

Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 1. General Provisions and Definitions

§105. Program Scope

These rules and regulations apply to owners and operators of all facilities that generate, transport, treat, store, or dispose of hazardous waste, except as specifically provided otherwise herein. The procedures of these regulations also apply to denial of a permit for the active life of a hazardous waste management facility or TSD unit under LAC 33:V.706. Definitions appropriate to these rules and regulations, including "solid waste" and "hazardous waste," appear in LAC 33:V.109. Those wastes which are excluded from regulation are found in this Section.

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[See Prior Text in A]

1. Within 90 days after the promulgation of these regulations anyone subject to these regulations who has not previously notified the department on the Notification of Hazardous Waste Activity Form—HW-1, or whose notification on Form HW-1 is not approved, must notify the ~~department~~ Office of Environmental Services, Permits Division using Form HW-1. Within 90 days after changes in waste characteristics or changes in these regulations that result in changes in the notification, interim status facilities must revise their notification form by resubmitting a corrected copy of Form HW-1.

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[See Prior Text in A.2 - C.1.b]

2. The ~~Solid Waste Management Division~~ Office of Environmental Services, Permits Division is responsible for nonhazardous solid wastes treated, stored and/or disposed of in public and private solid waste facilities.

* * *

[See Prior Text in C.3 - 3.a]

b. injection wells, less related surface installations and areas, for industrial on-site or commercial disposal of hazardous wastes, until the effective date of Act 97 of 1983 (scheduled to be February 1, 1984), after which time they shall be regulated by the Department of Environmental Quality, ~~Hazardous Waste Division~~ in accordance with the provisions of Title 30 of the Louisiana Revised Statutes.

4. The ~~Nuclear Energy Division~~ department is responsible for radioactive materials.

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[See Prior Text in C.5 - D.1.i.iii.(d)]

(e). prior to operating pursuant to this exclusion, the plant owner or operator submits to the ~~administrative authority~~ Office of Environmental Services, Permits Division a one-time notification stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following

language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the administrative authority for reinstatement. The administrative authority may reinstate the exclusion upon finding that the plant has returned to compliance with all conditions and that violations are not likely to recur.

* * *

[See Prior Text in D.1.j - p.iv.(c)]

v. the owner or operator provides a notice to the ~~administrative authority~~ Office of Environmental Services, Permits Division identifying the following information: the types of materials to be recycled; the type and location of the storage units and recycling processes; and the annual quantities expected to be placed in non-land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process; and

* * *

[See Prior Text in D.1.p.vi - 5.c.ii]

iii. the additional quantities and time frames allowed in Subsection D.5.c.i and ii of this Section are subject to all the provisions in Subsection D.5.a and b.iii-vi of this Section. The generator or sample collector must apply to the ~~administrative authority~~ Office of Environmental Services, Permits Division and provide in writing the following information:

* * *

[See Prior Text in D.5.c.iii.(a) - 6]

a. no less than 45 days before conducting treatability studies, the facility notifies the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing that it intends to conduct treatability studies under this Subsection;

* * *

[See Prior Text in D.6.b - h]

i. the facility prepares and submits a report to the ~~administrative authority~~ Office of Environmental Services, Permits Division by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

* * *

[See Prior Text in D.6.i.i - 6.j]

k. the facility notifies the ~~administrative authority~~ Office of Environmental Services, Permits Division by letter when the facility is no longer planning to conduct any treatability studies at the site.

* * *

[See Prior Text in D.7 - J.1]

2. Non-Emergency Conditions. For any unauthorized discharge of a hazardous waste which does not cause an emergency condition, the discharger shall notify the ~~Hazardous Waste Division~~ Office of Environmental Compliance, Surveillance Division, Department of Environmental Quality within 24 hours of learning of the discharge and in accordance with other provisions of LAC 33:I.Chapter 39.

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[See Prior Text in K - O.2.c.vi]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:181 (March 1989), LR 16:47 (January 1990), LR 16:217 (March 1990), LR 16:220 (March 1990), LR 16:398 (May 1990), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:368 (April 1991), LR 17:478 (May 1991), LR 17:883 (September 1991), LR 18:723 (July 1992), LR 18:1256 (November 1992), LR 18:1375 (December 1992), amended by the Office of the Secretary, LR 19:1022 (August 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:813 (September 1996), LR 22:831 (September 1996), amended by the Office of the Secretary, LR 23:298 (March 1997), amended by the Office of Solid And Hazardous Waste, Hazardous Waste Division, LR 23:564 (May 1997), LR 23:567 (May 1997), LR 23:721 (June 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), LR 23:1511 (November 1997), LR 24:298 (February 1998), LR 24:655 (April 1998), LR 24:1093 (June 1998), LR 24:1687 (September 1998), LR 24:1759 (September 1998), LR 25:431 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:268 (February 2000), LR 26:***.

§109. Definitions

For all purposes of these rules and regulations, the terms defined in this Chapter shall have the following meanings, unless the context of use clearly indicates otherwise:

* * *

[See Prior Text]

~~Administrative Authority~~ ~~the Department of Environmental Quality, Secretary, or any other person designated to act for them. After the effective date of Act 97 of 1983 (Scheduled to be February 1, 1984), the administrative authority shall be the secretary of the Department of Environmental Quality or his designee or the appropriate assistant secretary or his designee.~~

* * *

[See Prior Text in Ancillary Equipment - Hazardous Waste.4.b.ii.(c)(i)]

(ii). A one-time notification and certification must be placed in the facility's files and sent to the ~~administrative authority~~ Office of Environmental Services, Permits Division for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics that are sent to subtitle D units. The notification and certification that is placed in the generators' or treaters' files must be updated if the process or operation generating the waste changes and/or if the subtitle D unit receiving the waste changes. However, the

generator or treater needs only to notify the administrative authority on an annual basis if such changes occur. Such notification and certification should be sent to the EPA region or authorized state by the end of the calendar year, but no later than December 31. The notification must include the following information:

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[See Prior Text in Hazardous Waste.4.b.ii(c)(ii)[a] - Zone of Engineering Control]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:1139 (December 1985), LR 12:319 (May 1986), LR 13:84 (February 1987), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 14:790 (November 1988), LR 15:378 (May 1989), LR 15:737 (September 1989), LR 16:47 (January 1990), LR 16:218 (March 1990), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 16:683 (August 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), repromulgated by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 19:626 (May 1993), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:814 (September 1996), LR 23:564 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:655 (April 1998), LR 24:1101 (June 1998), LR 24:1688 (September 1998), LR 25:433 (March 1999), repromulgated LR 25:853 (May 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:269 (February 2000), LR 26:***.

Title 33**ENVIRONMENTAL QUALITY****Part V. Hazardous Waste and Hazardous Materials****Subpart 1. Department of Environmental Quality—Hazardous Waste****Chapter 3. General Conditions for Treatment, Storage, and Disposal Facility Permits****§303. Overview of the Permit Program****A. General Application Requirements**

1. Permit Application. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the ~~administrative authority~~ Office of Environmental Services, Permits Division as described in this Section and LAC 33:V.4301, 4303, and 4305. Persons currently authorized with interim status shall apply for permits when required by the administrative authority. Persons covered by permits by rule (LAC 33:V.305.D) need not apply. Procedures for applications, issuance, and administration of emergency permits are found exclusively in LAC 33:V.701 and 703. Procedures for application, issuance, and administration of research, development, and demonstration permits are found exclusively in LAC 33:V.329.

2. No later than 90 days after the promulgation or revision of these regulations, all generators and transporters of hazardous waste, and all owners or operators of hazardous waste treatment, storage, or disposal facilities must file or have on file a notification of that activity using Notification Form HW-1, available from the ~~administrative authority~~ Office of Environmental Services, Permits Division or through the department's website at www.deq.state.la.us. For generators of hazardous waste, the Notification Form HW-1 shall be deemed a registration upon acceptance and approval by the administrative authority.

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[See Prior Text in A.3 - H.1]

2. An application for a permit for a new TSD facility (including both Parts I and II) may be filed any time after promulgation of these standards, applicable to such facility. The application shall be filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division.

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[See Prior Text in H.3]

4. A new facility must obtain an EPA identification number. EPA identification numbers will be issued only by the EPA. However, application for an EPA Identification Number shall be made by completing the Hazardous Waste Notification form provided by the ~~department~~ Office of Environmental Services, Permits Division.

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[See Prior Text in I - Q]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR

10:496 (July 1984), LR 14:790 (November 1988), LR 16:220 (March 1990), LR 17:478 (May 1991), LR 17:658 (July 1991), LR 20:1000 (September 1994), LR 21:564 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§309. Conditions Applicable to All Permits

Each permit shall include permit conditions necessary to achieve compliance with the Act and these regulations, including each of the applicable requirements specified in LAC 33:V.Subpart 1. In satisfying this provision, the administrative authority may incorporate applicable requirements of LAC 33:V.Subpart 1 directly into the permit or establish other permit conditions that are based on LAC 33:V.Subpart 1. The following conditions apply to all hazardous waste permits. All conditions applicable to permits shall be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation to these regulations must be given in the permit.

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[See Prior Text in A - L]

1. **Planned Changes.** The permittee shall give notice to the ~~administrative authority~~ Office of Environmental Services, Permits Division, as soon as possible, of any planned physical alterations or additions to the permitted facility.

2. **Anticipated Noncompliance.** The permittee shall give advance notice to the ~~administrative authority~~ Office of Environmental Services, Permits Division of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

* * *

[See Prior Text in L.3 - 7.d]

8. **Manifest Discrepancy Report.** If a significant discrepancy in a manifest is discovered, the permittee must attempt to reconcile the discrepancy. If not resolved within five days, the permittee must submit a ~~letter~~ report including a copy of the manifest to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division.

9. **Unmanifested Waste Report.** An unmanifested waste report must be submitted to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division within five days of receipt of unmanifested waste.

10. **Annual Report.** An annual report must be submitted to the Office of Environmental Services, Environmental Assistance Division covering facility activities during the previous calendar year.

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[See Prior Text in L.11]

12. **Other Information.** If the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to the administrative authority, he shall promptly submit such facts or information to the Office of Environmental Services, Permits Division.

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[See Prior Text in M]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§321. Modification of Permits

A. Any proposed major modification of a facility or a site, any change in wastes handled in either volume or composition, any other change in the site, facility, or operations which materially deviates from a permit or materially increases danger to the public health or the environment, and any operator or ownership change must be reported in writing to the ~~administrative authority~~ Office of Environmental Services, Permits Division prior to such an occurrence and a permit modification must be obtained in accordance with the application, public notice, and permit requirements of this Chapter. The administrative authority may approve an ownership change (transfer of permit) based on the following factors:

* * *

[See Prior Text in A.1 - B.1]

2. Changes in the ownership or operational control of a facility may be made as a Class 1 modification with prior written approval of the administrative authority in accordance with LAC 33:V.321.C. The new owner or operator must submit a revised permit application to the Office of Environmental Services, Permits Division no later than 90 days prior to the scheduled change. A written agreement containing a specific date for transfer of permit responsibility between the current and new permittees must also be submitted to the administrative authority. When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the requirements of LAC 33:V.Chapter 37 (Financial Requirements) until the new owner or operator has demonstrated that he or she is complying with the requirements of LAC 33:V.Chapter 37. The new owner or operator must demonstrate compliance with LAC 33:V.Chapter 37 requirements within six months of the date of the change of ownership or operational control of the facility. Upon demonstration to the administrative authority by the new owner or operator of compliance with LAC 33:V.Chapter 37, the administrative authority shall notify the old owner or operator that he or she no longer needs to comply with LAC 33:V.Chapter 37 as of the date of demonstration.

* * *

[See Prior Text in C - 1.a]

i. The permittee must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division concerning the modification by certified mail or other means that establish proof of delivery within seven calendar days after the change is put into effect. This notice must specify the changes being made to permit conditions or supporting documents referenced by the permit and must explain why they are necessary. Along with the notice, the permittee must provide the applicable information required by LAC 33:V.515-533, 2707, and 3115.

* * *

[See Prior Text in C.1.a.ii - 2]

a. For Class 2 modifications, listed in LAC 33:V.322, the permittee must submit a modification request to the ~~administrative authority~~ Office of Environmental Services, Permits Division that:

* * *

[See Prior Text in C.2.a.i - 10.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 15:378 (May 1989), LR 16:614 (July 1990), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1691 (September 1998), LR 25:435 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§323. Suspension, Modification or Revocation and Reissuance, and Termination of Permits

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[See Prior Text in A]

B. If the administrative authority decides the request is not justified, he or she shall send the requester a brief written response giving a reason for the decision. Denials of requests for modification, revocation and reissuance, or termination are not subject to public notice, comment, or hearings. Denials by the administrative authority may be appealed to the Department of Environmental Quality (DEQ), Legal Affairs Division in accordance with Act 97 of 1983.

* * *

[See Prior Text in B.1 - 4.e]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 14:790 (November 1988), LR 16:220 (March 1990), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 5. Permit Application Contents

Subchapter A. General Requirements for Permit Applications

§501. Permit Application

A. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit a permit application to the ~~administrative authority~~ Office of Environmental Services, Permits Division as described in this Section and LAC 33:V.4301, 4303, and 4305. Persons currently authorized with interim status shall apply for permits when required by the administrative authority. Persons covered by RCRA permits by rule (LAC 33:V.305.D) need not apply. Procedures for applications, issuance, and administration of emergency permits are found exclusively in LAC 33:V.701 and 703. Procedures for application, issuance, and administration of research, development, and demonstration permits are found exclusively in LAC 33:V.329.

* * *

[See Prior Text in B - C.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter E. Specific Information Requirements

§520. Specific Part II Information Requirements for Groundwater Protection

The following additional information regarding protection of groundwater is required from owners or operators of hazardous waste facilities containing a regulated unit except as provided in LAC 33:V.3301.B and C:

* * *

[See Prior Text in A - F.4]

G. if the presence of hazardous constituents has been detected in the groundwater at the point of compliance at the time of the permit application, the owner or operator must submit to the Office of Environmental Services, Permits Division, sufficient information supporting data, and analyses to establish a compliance monitoring program that meets the requirements of LAC 33:V.3319. Except as provided in LAC 33:V.3317.H, the owner or operator must also submit to the Office of Environmental Services, Permits Division, an engineering feasibility plan for a corrective action program necessary to meet the requirements of LAC 33:V.3321, unless the owner or operator obtains written authorization in advance from the administrative authority to submit a proposed

permit schedule for submittal of such a plan. To demonstrate compliance with LAC 33:V.3319, the owner or operator must address the following items:

* * *

[See Prior Text in G.1 - H.5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended LR 18:1256 (November 1992), LR 22:817 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter F. Special Forms of Permits

§537. Permits for Boiler and Industrial Furnaces Burning Hazardous Waste for Recycling Purposes Only (boilers and industrial furnaces burning hazardous waste for destruction are subject to permit requirements for incinerators)

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[See Prior Text in A - B.2.h.x]

i. The applicant must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a certification that the trial burn has been conducted in accordance with the approved trial burn plan and must submit the results of all the analyses and determinations required in Subsection B.2.h of this Section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the administrative authority.

* * *

[See Prior Text in B.2.j - C.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:737 (September 1989), amended LR 18:1375 (December 1992), LR 21:266 (March 1995), LR 22:818 (September 1996), LR 22:832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:657 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter G. Remedial Action Plans (RAPs) - General Information

§565. How Do I Apply for a RAP?

To apply for a RAP, you must complete an application, sign it, and submit it to the ~~administrative authority~~ Office of Environmental Services, Permits Division according to the requirements in this Subchapter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:272 (February 2000), amended LR 26:***.

§590. To Whom Must I Submit My RAP Application?

You must submit your application for a RAP to the ~~administrative authority~~ Office of Environmental Services, Permits Division for approval.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 26:273 (February 2000), amended LR 26:***.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 7. Administrative Procedures for Treatment, Storage, and Disposal Facility Permits

Subchapter A. Permits

§703. Permit Evaluation

A. Application Distribution. Upon acceptance of an application for review, the administrative authority will distribute copies of the application (Part I) for review and comment to: the public (filed with local libraries or other public facility), notification of which is to be published in a bulletin (see LAC 33:V.717), and as an ad in a local newspaper; ~~Water Pollution Division; Air Quality Division;~~ Department of Health and ~~Human Resources Hospitals,~~ Office of Health Services and Environmental Quality; Department of Wildlife and Fisheries; Office of Public Works of the Department of Transportation and Development; or the successors to any of the above; and to local governing authorities of any municipality and parish within whose territorial jurisdiction the facility or activity is located.

* * *

[See Prior Text in B - D.2.f]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:564 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Hearings

§708. Preapplication Public Meeting and Notice, Public Notice Requirements at the Application Stage, and Information Repository

* * *

[See Prior Text in A - 4.a.iii]

iv. a notice to the department. The applicant shall send a copy of the newspaper notice to the ~~department~~ Office of Environmental Services, Permits Division and to the appropriate units of state and local government, in accordance with LAC 33:V.717.A.2.

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[See Prior Text in A.4.b - C.6]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:659 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§709. Evidentiary Hearings on Operating Permit Applications for Commercial Hazardous Waste Treatment, Storage, Disposal, or Recycling Facilities

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[See Prior Text in A]

B. An evidentiary hearing shall be held after the technical review on a permit application for operation of a commercial hazardous waste treatment, storage, disposal, or recycling facility. ~~The administrative authority shall direct the Administrative Hearings Division to schedule an evidentiary hearing.~~

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[See Prior Text in C - D.1.b]

c. those who request notice in writing and those who are on the area mailing list developed by the ~~Hazardous Waste Division Permits Section~~ department.

* * *

[See Prior Text in D.2 - F]

G. The presiding officer shall not make findings of fact, conclusions of law, or recommendations or render decisions on the merits of the permit application. The presiding officer's authority terminates once the record is complete and has been ~~transmitted~~ submitted to the administrative authority.

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[See Prior Text in H - K]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:683 (August 1990), LR 17:362 (April 1991), LR 21:565 (June 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 9. Manifest System for TSD Facilities

§903. Manifest Requirements

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[See Prior Text in A]

1. a state manifest document number which shall be obtained from ~~this department~~ the Office of Environmental Services, Environmental Assistance Division if the destination point is in Louisiana;

* * *

[See Prior Text in A.2 - C]

D. The manifest form must be obtained from the ~~department~~ Office of Environmental Services, Environmental Assistance Division. A Louisiana manifest shall be used as follows:

* * *

[See Prior Text in D.1 - 3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 17:362 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§907. Manifest Discrepancies

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[See Prior Text in A]

B. Upon discovering a discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (e.g, with telephone conversations). The owner or operator must submit to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division within five working days a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. After the discrepancy is resolved, a corrected copy is to be sent to the administrative authority.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:364 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§909. Unmanifested Waste Report

If a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described in LAC 33:V.1307.E.2, then the owner or operator must prepare and submit a single copy of a report to the administrative authority within 15 days after receiving the waste. Such unmanifested waste storage, treatment, or disposal shall be covered by the facility permit or an emergency permit (LAC 33:V.701), and treatment or disposal shall not occur until approval of the administrative authority is given. The unmanifested waste report must be submitted on the form provided by the administrative authority to the Office of Environmental Services, Environmental Assistance Division or through the department's website at www.deq.state.la.us. Such report must be designated "Unmanifested Waste Report" and include the following information:

* * *

[See Prior Text in A - G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:364 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§911. Manifest Forms

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[See Prior Text in A]

B. Sample manifest forms will be available upon request from the ~~department~~ Office of Environmental Services, Environmental Assistance Division.

* * *

[See Prior Text in C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:364 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§913. Manifest Document Flow

* * *

[See Prior Text in A - E]

F. The generator and hazardous waste facility operator each shall submit an annual report to the ~~department~~ Office of Environmental Services, Environmental Assistance Division including manifest numbers, total quantity by type of waste handled, its disposition, and all other information requested by the department on the annual report forms. The report shall cover the preceding calendar year and shall be submitted by March 1.

* * *

[See Prior Text in G]

H. Except as otherwise provided in LAC 33:V.919 and 1309.G, hazardous waste facility operators are required to report to the ~~department~~ Office of Environmental Services, Environmental Assistance Division any irregularities between the wastes actually received and the waste described on the manifest, or any other irregularities, within five days.

* * *

[See Prior Text in I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 17:362 (April 1991), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§919. Hazardous Waste Rejections

If any hazardous waste is rejected by the operator of a hazardous waste facility, the operator of that facility is to notify the ~~department~~ Office of Environmental Services, Environmental Assistance Division immediately (within 24 hours) by telephone and give reasons why the waste was rejected. Within seven days of the refusal to accept the wastes, the operator must provide the administrative authority with a written explanation of why the waste was rejected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:364 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 11. Generators

Subchapter A. General

§1105. EPA Identification Numbers

A generator must not treat, store, dispose of, transport or offer for transportation hazardous waste without having received an active EPA identification number.

* * *

[See Prior Text in A]

B. A generator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division within seven days if any of the information submitted in the application for the identification number changes. Because EPA identification numbers are site-specific, if a facility moves to another location, the owner/operator must obtain a new EPA identification number for the facility.

* * *

[See Prior Text in C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 17:362 (April 1991), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1107. The Manifest System

* * *

[See Prior Text in A - A.7]

8. Except as otherwise provided in LAC 33:V.919 and 1309.F, generators are required to report to the ~~department~~ Office of Environmental Services, Environmental Assistance Division any irregularities between the wastes actually received and the waste described on the manifest, or any other irregularities, within 15 days.

9. The manifest form and the continuation sheet used must be obtained from the ~~department~~ Office of Environmental Services, Environmental Assistance Division.

* * *

[See Prior Text in A.10 - D.6]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 12:319 (May 1986), LR 16:220 (March 1990), LR 17:362 (April 1991), LR

17:478 (May 1991), LR 18:1256 (November 1992), LR 20:1109 (October 1994), LR 21:266 (March 1995), LR 21:267 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

' 1109. Pre-Transport Requirements

* * *

[See Prior Text in A - E.7.d.iv.(b)]

(c). in the event of a fire, explosion, or other release which could threaten human health outside the facility or when the generator has knowledge that a spill has reached surface water, the generator must immediately notify the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by e-mail at ~~surveillance@deq.state.la.us~~ utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance. The report must include the following information:

* * *

[See Prior Text in E.7.d.iv.(c).(i) - (v)]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:47 (January 1990), LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1693 (September 1998), LR 25:437 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1466 (August 1999), LR 26:277 (February 2000), LR 26:**.

§1111. Recordkeeping and Reporting

* * *

[See Prior Text in A - B]

1. A generator who ships any hazardous waste off-site to a treatment, storage, or disposal facility within the United States must prepare and submit a single copy of an annual report to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division by March 1 of each year. The annual report must be submitted on the form provided by the administrative authority and it must cover generator activities during the previous calendar year. The reports must also include the following information:

* * *

[See Prior Text in B.1.a - h]

2. Generators who also dispose, treat, or store hazardous waste on-site shall also submit annual reports to the ~~department~~ Office of Environmental Services, Environmental Assistance

Division, reporting total quantity, by type, of waste handled, and how that waste was disposed, treated, or stored. Generators must maintain on site a copy of each report submitted to the department for a period of at least three years from the date of the report. Reporting for exports of hazardous waste is not required on the annual report form. A separate annual report requirement is set forth in LAC 33:V.1113.G.

* * *

[See Prior Text in C - C.1]

2. A generator must submit an Exception Report to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

* * *

[See Prior Text in C.2.a - D]

E. Quarterly Reports. Generators who dispose of hazardous waste on-site shall submit a quarterly report (form approved by the administrative authority) no later than 15 days after the beginning of the quarter to the ~~department~~ Office of Environmental Services, Environmental Assistance Division reporting total quantities (calculated on a daily basis), by type of waste handled, and how that waste was disposed of during the previous calendar quarter, and shall retain on-site a copy of the report for at least three years from the date of disposal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 17:365 (April 1991), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1113. Exports of Hazardous Waste

* * *

[See Prior Text in A - D.1.b.viii]

2. Notification shall be sent to the ~~Louisiana Department of Environmental Quality~~ Office of Environmental Services, Environmental Assistance Division with "Attention: Notification to Export" prominently displayed on the front of the envelope. [Note: This does not relieve the regulated community from the requirement of submitting notification to the Office of Waste Programs Enforcement, RCRA Enforcement Division (OS-520), EPA, as required by 40 CFR 262.53(b).]

* * *

[See Prior Text in D.3 - E.4]

5. in lieu of the requirements of LAC 33:V.1107.A.6, the primary exporter must obtain the manifest form from the ~~department~~ Office of Environmental Services, Environmental Assistance Division;

* * *

[See Prior Text in E.6 - I.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:220 (March 1990), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 21:944 (September 1995), LR 22:20 (January 1996), amended by the Office of the Secretary, LR 22:344 (May 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1123. Imports of Foreign Hazardous Waste

* * *

[See Prior Text in A - D.4]

E. Notification shall be sent to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division with "Attention: Notification to Import Foreign Hazardous Waste" prominently displayed on the front of the envelope. Such notices shall be sent by certified mail.

* * *

[See Prior Text in F]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:20 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1125. Unmanifested Foreign Hazardous Waste

A. Any person who imports foreign generated material that has not been classified as hazardous waste prior to entry into the state of Louisiana, but subsequently is determined to be hazardous waste, must immediately notify the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division by telephone.

* * *

[See Prior Text in B]

1. file in writing an unmanifested waste report with the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division which shall include;

* * *

[See Prior Text in B.1.a - 2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:21 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Transfrontier Shipments of Hazardous Waste**§1127. Transfrontier Shipments of Hazardous Waste for Recovery Within the OECD**

* * *

[See Prior Text in A - G.1.f]

2. Exception Reports. Any person who meets the definition of primary exporter in LAC 33:V.109 must file an exception report, in lieu of the requirements of LAC 33:V.1111.C, with the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division if any of the following occurs:

* * *

[See Prior Text in G.2.a - I.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:661 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33**ENVIRONMENTAL QUALITY****Part V. Hazardous Waste and Hazardous Materials****Subpart 1. Department of Environmental Quality—Hazardous Waste****Chapter 13. Transporters****§1309. Compliance with the Manifest**

* * *

[See Prior Text in A - E]

F. Transporters will pick up and ship only those wastes which are properly prepared for shipment (see LAC 33:V.1109), and which are accompanied by a properly filled out manifest, and appear to be the hazardous waste described on the manifest. If the transporter notices any irregularities or rejects a shipment for any reason, he must notify the ~~department~~ Office of Environmental Services, Environmental Assistance Division as soon as possible, but no later than the next working day.

G. Except as provided in LAC 33:V.919 and 1309.F, transporters are required to report to the ~~department~~ Office of Environmental Services, Environmental Assistance Division any irregularities between the wastes received and the waste described on the manifest, or any other irregularities, within five days.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 15. Treatment, Storage, and Disposal Facilities

§1504. Construction Quality Assurance Program

* * *

[See Prior Text in A - C.2]

D. Certification. Waste shall not be received in a unit subject to LAC 33:V.1504 until the owner or operator has submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division by certified mail or hand delivery a certification signed by the CQA officer that the approved CQA plan has been successfully carried out, that the unit meets the requirements of LAC 33:V.2903.J or K, 2303.C or D, or 2503.L or M, and the procedure in LAC 33:V.309.L.3.b has been completed. Documentation supporting the CQA officer's certification must be furnished to the administrative authority upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1505. Discharges from the Site

* * *

[See Prior Text in A - 1]

2. air emissions, if any, must be in conformity with air limitations of the Clean Air Act administered by the ~~Air Quality Division of the department~~ Office of Environmental Services, Permits Division, operating under an Air Quality Permit as required, and reported as required by that permit. The air permit must be applied for prior to the issuance of a hazardous waste permit.

* * *

[See Prior Text in B - C.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1513. Contingency Plan and Emergency Procedures

* * *

[See Prior Text in A - 1]

2. A contingency plan to be implemented in the event of an emergency shall be filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division and, after approval, with the local fire and police departments (if any operate in the area), hospitals and

emergency response teams operating in the area which are subject to call by the operator or the department.

* * *

[See Prior Text in A.3 - C]

1. The contingency plan must be submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division with the permit application and, after modification or approval, will become a condition of any permit issued.

* * *

[See Prior Text in C.2 - F.8.b]

9. The owner or operator must notify the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division and appropriate state and local authorities that the facility is in compliance with LAC 33:V.1513.F.8 before operations are resumed in the affected area(s) of the facility.

10. The owner or operator must note in the operating record the time, date, and details of any incident that requires implementation of the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division which includes:

* * *

[See Prior Text in F.10.a - g]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:614 (July 1990), LR 18:1256 (November 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1527. Receiving and Monitoring Incoming Waste

* * *

[See Prior Text in A - E]

F. Unmanifested Waste Reports. Any wastes presented for disposal that are not accompanied by a properly completed manifest shall be rejected. The TSD operator shall note the name of the driver, hauler, and the vehicle identification numbers. He shall notify the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division by phone immediately and in writing within seven days of the refusal to accept the waste and provide the administrative authority with the required information.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1529. Operating Record and Reporting Requirements

* * *

[See Prior Text in A - C.3]

D. Annual Report. The owner or operator must prepare and submit a single copy of an annual report to the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division by March 1 of each year. The report form must be used for this report. The annual report must cover facility activities during the previous calendar year. Information submitted on a more frequent basis may be included by reference or in synopsis form where it is not pertinent to reporting under LAC 33:V.Chapter 9 or monitoring reporting under LAC 33:V.3317. It must include the following information:

* * *

[See Prior Text in D.1 - E.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 22:832 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1695 (September 1998), LR 25:437 (March 1999), LR 25:1799 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1799 (October 1999), LR 26:278 (February 2000), LR 26:**.

§1531. Required Notices

A. The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the ~~administrative authority~~ Office of Environmental Services, Environmental Assistance Division in writing at least four weeks in advance of the date the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.

* * *

[See Prior Text in B - E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 15:378 (May 1989), LR 16:220 (March 1990), LR 16:399 (May 1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:666 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 17. Air Emission Standards

Subchapter A. Process Vents

§1715. Reporting Requirements

A. A semiannual report shall be submitted by owners and operators subject to the requirements of this Subchapter to the ~~administrative authority~~ Office of Environmental Services, Permits Division by dates specified by the administrative authority. The report shall include the following information:

* * *

[See Prior Text in A.1 - B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Equipment Leaks

§1737. Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Percentage of Valves Allowed to Leak

* * *

[See Prior Text in A - B]

1. An owner or operator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division that the owner or operator has elected to comply with the requirements of this Section.

* * *

[See Prior Text in B.2 - C.3]

D. If an owner or operator decides to comply with this Section no longer, the owner or operator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing that the work practice standard described in LAC 33:V.1729.A-E will be followed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1739. Alternative Standards for Valves in Gas/Vapor Service or in Light Liquid Service: Skip Period Leak Detection and Repair

* * *

[See Prior Text in A - 1]

2. An owner or operator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division before implementing one of the alternative work practices.

* * *

[See Prior Text in B - B.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:439 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1745. Reporting Requirements

A. A semiannual report shall be submitted by owners and operators subject to the requirements of this Subchapter to the ~~administrative authority~~ Office of Environmental Services, Permits Division by dates specified by the administrative authority. The report shall include the following information.

* * *

[See Prior Text in A.1 - B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter C. Air Emission Standards for Tanks, Surface Impoundments, and Containers

§1747. Applicability

* * *

[See Prior Text in A - D.2]

3. the owner or operator notifies the ~~administrative authority~~ Office of Environmental Services, Permits Division, in writing, that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of Subsection D.1 of this Section are managed at the facility in tanks or containers meeting the conditions of Subsection D.2 of this Section. The notification shall state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1701 (September 1998), LR 25:440 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:279 (February 2000), LR 26:**.

§1755. Standards: Tanks

* * *

[See Prior Text in A - E.3.c]

d. prior to each inspection required by Subsection E.3.b or c of this Section, the owner or operator shall notify the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division in advance of each inspection to provide the administrative authority with the

opportunity to have an observer present during the inspection. The owner or operator shall notify the administrative authority of the date and location of the inspection as follows:

* * *

[See Prior Text in E.3.d.i]

ii. when a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the administrative authority at least seven calendar days before refilling the tank;

* * *

[See Prior Text in E.3.e - F.3.b.iv]

c. prior to each inspection required by Subsection F.3.a or F.3.b of this Section, the owner or operator shall notify the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division in advance of each inspection to provide the administrative authority with the opportunity to have an observer present during the inspection. The owner or operator shall notify the administrative authority of the date and location of the inspection as follows:

* * *

[See Prior Text in F.3.c.i - L.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1704 (September 1998), LR 25:440 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:279 (February 2000), LR 26:**.

§1767. Reporting Requirements

A. Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of LAC 33:V.1751.C shall report to the ~~administrative authority~~ Office of Environmental Compliance, Enforcement Division each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in LAC 33:V.1751.C.1 or 2, as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 ppmw at the point of waste origination or placing in the waste management unit a treated hazardous waste of which the organic content has been reduced by an organic destruction or removal process that fails to achieve the applicable conditions specified in LAC 33:V.1751.C.2.a-f. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

B. Each owner or operator using air emission controls on a tank in accordance with the requirements LAC 33:V.1755.C shall report to the ~~administrative authority~~ Office of Environmental Compliance, Enforcement Division each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in LAC 33:V.1755.B. The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the EPA identification number, facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

C. Each owner or operator using a control device in accordance with the requirements of LAC 33:V.1761 shall submit a semiannual written report to the ~~administrative authority~~ Office of Environmental Compliance, Enforcement Division, except as provided for in Subsection D of this Section. The report shall describe each occurrence during the previous six-month period when either:

* * *

[See Prior Text in C.1 - D.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1720 (September 1998), LR 25:442 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33**ENVIRONMENTAL QUALITY****Part V. Hazardous Waste and Hazardous Materials****Subpart 1. Department of Environmental Quality—Hazardous Waste****Chapter 18. Containment Buildings****§1802. Design and Operating Standards**

* * *

[See Prior Text in A - C.3.a.iii]

iv. within seven days after the discovery of the condition, notify the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division of the condition and, within 14 working days, provide a written notice to the administrative authority with a description of the steps taken to repair the containment building and the schedule for accomplishing the work;

* * *

[See Prior Text in C.3.b]

c. upon completing all repairs and cleanup, the owner or operator must notify the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.1802.C.3.a.iv; and

* * *

[See Prior Text in C.4 - E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 19. Tanks

§1905. Design and Installation of New Tank Systems or Components

A. Owners or operators of new tank systems or components must obtain and submit to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division, at time of submittal of Part II information, a written assessment, reviewed and certified by an independent, qualified registered professional engineer, in accordance with LAC 33:V.513, attesting that the tank system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. The assessment must show that the foundation, structural support, seams, connections and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated and corrosion protection to ensure that it will not collapse, rupture or fail. This assessment, which will be used by the administrative authority to review and approve or disapprove the acceptability of the tank system design, must include, at a minimum, the following information:

* * *

[See Prior Text in A.1 - G]

H. Owners or operators of new tanks systems or components subject to the accumulation time exclusion of LAC 33:V.1109.E.1 must obtain and submit to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division, prior to placing the tank system in service, a written assessment, reviewed and certified by an independent registered professional engineer, in accordance with LAC 33:V.513, attesting that the tank system has sufficient structural integrity and is acceptable for storing or treating hazardous waste. The assessment must show that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed, and that the tank system has sufficient structural strength, compatibility with the waste(s) to be stored or treated, and corrosion protection to ensure that it will not collapse, rupture, or fail. The assessment, which will be used by the administrative authority to review the acceptability of the tank system design, must include at a minimum the requirements specified in LAC 33:V.1905.A.1-5.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 16:614 (July 1990), LR 16:683 (August 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1907. Containment and Detection of Releases

* * *

[See Prior Text in A - H]

1. The ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division must be notified in writing by the owner or operator that he intends to conduct

and submit a demonstration for a variance from secondary containment as allowed in LAC 33:V.1907.G according to the following schedule:

* * *

[See Prior Text in H.1.a - I.5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§1913. Response to Leaks or Spills and Disposition of Leaking or Unfit-for-Use Tank Systems

A tank system or secondary containment system from which there has been a leak or spill, or which is unfit for use, must be removed from service immediately, and the owner or operator must satisfy the following requirements.

* * *

[See Prior Text in A - D]

1. Any release to the environment, except as provided in LAC 33:V.1913.D.2, must be reported to the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225)342-1234 after hours, weekends, and holidays; or by e-mail at surveillance@deq.state.la.us utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance within 24 hours of its detection. If the release has been reported pursuant to LAC 33:V.105.J, that report will satisfy this requirement.

* * *

[See Prior Text in D.2 - 2.b]

3. Within 30 days of detection of a release to the environment, a report containing the following information must be submitted to the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division:

* * *

[See Prior Text in D.3.a - E.4]

F. Certification of Major Repairs. If the owner/operator has repaired a tank system in accordance with LAC 33:V.1913.E and the repair has been extensive (e.g., installation of an internal liner; repair of a ruptured primary containment or secondary containment vessel), the tank system must not be returned to service unless the owner/operator has obtained a certification by an independent, qualified, registered, professional engineer in accordance with LAC 33:V.513 that the repaired system is capable of handling hazardous wastes without release for the intended life of the system. This certification must be submitted to the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division within seven days after returning the tank system to use.

Note: The administrative authority may, on the basis of any information received that there is or has been a release of hazardous waste or hazardous constituents into the environment, issue an order requiring corrective action or such other response as is deemed necessary to protect human health or the environment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 13:651 (November 1987), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 22. Prohibitions on Land Disposal

Subchapter A. Land Disposal Restrictions

§2227. Treatment Standards Expressed as Specified Technologies

* * *

[See Prior Text in A]

B. Any person may submit an application to the ~~administrative authority~~ Office of Environmental Services, Permits Division demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achieved by methods specified in LAC 33:V.2227.A, C, and D or specified in LAC 33:V.Chapter 22.Table 8. The applicant must submit information demonstrating that his or her treatment method is in compliance with federal, state, and local requirements and is protective of human health and the environment. On the basis of such information and any other available information, the administrative authority may approve the use of the alternative treatment method if he or she finds that the alternative treatment method provides a measure of performance equivalent to those achieved by methods specified in LAC 33:V.2227.A, C, and D or specified in LAC 33:V.Chapter 22.Table 8. Any approval must be stated in writing and may contain such provisions and conditions as the administrative authority deems appropriate. The person to whom such approval is issued must comply with all limitations contained in such a determination.

* * *

[See Prior Text in C - D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:300 (February 1998), LR 25:445 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2231. Variance from a Treatment Standard

* * *

[See Prior Text in A - A.2.b]

B. Each petition must be submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division for consideration in accordance with the procedures in LAC 33:V.105.H.

* * *

[See Prior Text in C - C.2]

D. The ~~administrative authority~~ Office of Environmental Services, Permits Division will give public notice of the intent to approve or deny a petition and will provide the person requesting

the variance and the public, through a newspaper notice in the official state journal and the local newspaper in the affected area, the cost of which will be charged to the person requesting the variance, the opportunity to submit written comments on the request and the conditions of the variance, allowing a 30-day comment period. The notices referred to in this Section will be provided in the local newspaper in three separate issues; however, the 30-day comment or notice period shall begin with the notice in the official state journal. The administrative authority will also, in response to a request or at his or her own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the variance request. The administrative authority will give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments.) The final decision on a variance from a treatment standard will also be published.

* * *

[See Prior Text in E - M]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:445 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2237. Exemption for Surface Impoundments Treating Hazardous Waste

* * *

[See Prior Text in A - A.3.c]

4. The owner or operator must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a written certification that the requirements of Subsection A.3 of this Section have been met and a copy of the waste analysis plan required under Subsection A.2 of this Section. The following certification is required:

"I certify under penalty of law that the requirements of LAC 33:V.2237.A.3 have been met for all surface impoundments being used to treat prohibited wastes. I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."

* * *

[See Prior Text in B - C.3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1727 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2239. Procedures for Case-by-Case Extensions of an Effective Date

A. Any person who generates, treats, stores, or disposes of a hazardous waste may submit an application to the ~~administrative authority~~ Office of Environmental Services, Permits Division for an

extension of the effective date of any applicable prohibition established under this Chapter. The applicant must provide the following, and in each case the burden of proof will be on the applicant:

* * *

[See Prior Text in A.1 - F]

G. Any person granted an extension under this Section must immediately notify the ~~administrative authority~~ Office of Environmental Services, Permits Division as soon as he or she has knowledge of any change in the conditions certified in the application.

H. Any person granted an extension under this Section shall submit written progress reports at intervals designated by the ~~administrative authority~~ Office of Environmental Services, Permits Division which may not exceed six months. Such reports must describe the overall progress made toward constructing or otherwise providing alternative treatment, recovery, or disposal capacity; must identify any event which may cause or has caused a delay in the development of the capacity, and must summarize the steps taken to mitigate the delay. The administrative authority can revoke the extension at any time if the applicant does not make a good-faith effort to meet the schedule for completion, if the department denies or revokes any required permit, if conditions certified in the application change, or for any violation of the Louisiana Environmental Quality Act or regulations promulgated thereto.

* * *

[See Prior Text in I -J]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1727 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2241. Exemptions to Allow Land Disposal of a Prohibited Waste Except by Deep Well Injection

A. Any person seeking an exemption to allow land disposal except by deep well injection of a prohibited hazardous waste in a particular unit or units must submit a petition to the ~~administrative authority~~ Office of Environmental Services, Permits Division that meets the following requirements:

* * *

[See Prior Text in A.1 - F.5.c]

G. Each petition must be submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division.

* * *

[See Prior Text in H]

1. If the owner or operator plans to make changes to the unit design, construction, or operation, such changes must be proposed in writing, and the owner or operator shall submit a demonstration to the ~~administrative authority~~ Office of Environmental Services, Permits Division at least 30 days before making the changes. The administrative authority will determine whether the proposed changes invalidate the terms of the petition and will determine the appropriate response. Any changes must be approved by the administrative authority prior to being made.

2. If the owner or operator discovers that a condition at the site which was modeled or predicted in the petition does not occur as predicted, this change must be reported, in writing, to the ~~administrative authority~~ Office of Environmental Services, Permits Division within 10 days of discovery of the change. The administrative authority will determine whether the reported change from the terms of the petition requires further action, which may include termination of waste acceptance and revocation of the petition or petition modifications, or other responses.

I. If the owner or operator determines that hazardous constituent(s) are migrating from the unit, the owner or operator must immediately suspend receipt of prohibited wastes at the unit and notify the ~~administrative authority~~ Office of Environmental Compliance within 24 hours and in writing within 10 days of the determination that a release has occurred. Following receipt of the notification, the administrative authority will determine within 60 days of receiving notification whether the owner or operator can continue to receive prohibited wastes in the unit and whether the exemption is to be revoked. The administrative authority shall also determine whether further examination of any migration is warranted under applicable provisions of LAC 33:V.Chapter 33 or 43.

J. Each petition must include the following statement signed by the petitioner or a duly authorized representative and must be submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment."

* * *

[See Prior Text in K - Q]

R. As a condition of the exemption, the petitioner must submit a report to the Office of Environmental Services, Permits Division by March 1 of each calendar year during the term of the exemption that describes in detail the efforts undertaken during the preceding calendar year to reduce the volume and toxicity of the waste generated. The report shall provide data indicating the change in volume and toxicity of waste actually achieved during the year in comparison to previous years.

* * *

[See Prior Text in S - T.3]

AUTHORITY NOTE: Promulgated in accordance with R.S.30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:220 (March 1990), LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1727 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2243. Administrative Procedures for Exemptions under LAC 33:V.2241 and 2271, No-Alternative Determinations under LAC 33:V.2237, and Case-by-Case Extensions of an Effective Date under LAC 33:V.2239

Before making a final decision on the exemption, determination, or extension request, the ~~administrative authority~~ department will provide the person requesting the exemption, determination, or extension and the public, through a newspaper notice in the official state journal and the local

newspaper in the affected area, the cost of which will be charged to the person requesting the exemption, determination, or extension, the opportunity to submit written comments on the request on the conditions of the exemption, determination, or extension, allowing a 45-day comment period. The notices referred to in this Section will be provided in the local newspaper in three separate issues; however, the comment or notice period shall begin with the notice in the official state journal. The administrative authority will also, in response to a request or at his or her own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the exemption, determination, or extension request. The administrative authority will give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments.)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 22:22 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:1800 (October 1999), LR 26:**.

§2245. Generators' Waste Analysis, Recordkeeping, and Notice Requirements

* * *

[See Prior Text in A - E.1]

2. Such plan must be filed with the ~~administrative authority~~ Office of Environmental Services, Permits Division a minimum of 30 days prior to the treatment activity, with delivery verified.

* * *

[See Prior Text in E.3 - K]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 22:1130 (November 1996), LR 23:565 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1728 (September 1998), LR 25:447 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:**.

§2246. Special Rules Regarding Wastes That Exhibit a Characteristic

* * *

[See Prior Text in A - C]

D. Wastes that exhibit a characteristic are also subject to the requirements of LAC 33:V.2245, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator or treaters files and sent to the ~~administrative authority~~ Office of Environmental Services, Permits Division. The notification and certification must be updated if the process or operation generating the waste changes and/or if the solid waste disposal facility receiving the waste changes. However, the generator or treater need only notify the administrative authority on an annual basis if such changes occur. In such circumstances, a

notification and certification must be sent to the administrative authority by the end of the calendar year, but no later than December 31.

* * *

[See Prior Text in D.1 - E]

1. a one-time notification, including the following information, must be submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division:

* * *

[See Prior Text in E.1.a - F.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 17:658 (July 1991), LR 21:266 (March 1995), LR 22:22 (January 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:669 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:281 (February 2000), LR 26:**.

§2247. Owners or Operators of Treatment or Disposal Facilities: Testing, Waste Minimization, Recordkeeping and Notice Requirements

* * *

[See Prior Text in A - D]

E. Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions in LAC 33:V.4139.A.2-4 regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility, in accordance with Subsection B of this Section. With each shipment of such wastes the owner or operator of the recycling facility must submit a certification described in Subsection C of this Section and a notice which includes the information listed in Subsection B of this Section (except the manifest number) to the ~~administrative authority~~ Office of Environmental Services, Permits Division ~~or his delegated representative~~. The recycling facility also must keep records of the name and location of each entity receiving the hazardous waste-derived product.

* * *

[See Prior Text in F - H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 15:378 (May 1989), amended LR 16:1057 (December 1990), LR 17:658 (July 1991), LR 21:266 (March 1995), LR 21:267 (March 1995), LR 21:1334 (December 1995), LR 22:22 (January 1996), LR 22:820 (September 1996), LR 23:566 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:670 (April 1998), LR 24:1730 (September 1998), LR 25:449 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:282 (February 2000), LR 26:**.

Subchapter B. Hazardous Waste Injection Restrictions**§2253. Procedures for Case-by-Case Extensions to an Effective Date**

The owner or operator of a Class I hazardous waste injection well may submit an application to the ~~administrative authority~~ Office of Environmental Services, Permits Division for an extension of the effective date of any applicable prohibition established under LAC 33:V.Chapter 22.Subchapter A according to the procedures of LAC 33:V.2239.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:22 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2271. Exemptions to Allow Land Disposal of a Prohibited Waste by Deep Well Injections

A. Any person seeking an exemption to allow land disposal by deep well injection of a prohibited hazardous waste in a particular injection well or wells must submit a petition to the ~~administrative authority~~ Office of Environmental Services, Permits Division that does the following:

* * *

[See Prior Text in A.1 - G.2]

H. Any person who has been granted an exemption pursuant to this Section may submit a petition to the Office of Environmental Services, Permits Division for reissuance of the exemption to include an additional prohibited waste or wastes or to modify any conditions placed on the exemption by the administrative authority. The administrative authority may reissue the exemption if the petitioner complies with the requirements of LAC 33:V.2271.A-F.

I. Any person who has been granted an exemption pursuant to this Section may submit a petition to the Office of Environmental Services, Permits Division to modify an exemption to include an additional nonprohibited hazardous waste or wastes. The administrative authority may grant the modification if he or she determines, to a reasonable degree of certainty, that the additional waste or wastes will behave hydraulically and chemically in a manner similar to previously included wastes and that it will not interfere with the containment capability of the injection zone.

* * *

[See Prior Text in J - T.1]

a. notify the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by e-mail at surveillance@deq.state.la.us utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance within 24 hours of obtaining such evidence;

* * *

[See Prior Text in T.1.b - U.4.c]

5. The permittee shall submit a request to the Office of Environmental Services, Permits Division for reissuance of the exemption at least 180 days prior to the end of the term. If the applicant submits a timely and technically complete application, and the administrative authority, through no fault of the applicant, fails to act on the application for reissuance on or before the expiration date of the existing exemption, the permittee may, with the written approval of the administrative authority, continue to operate under the terms and conditions of the existing

exemption which shall remain in effect until final action on the application is taken by the administrative authority.

* * *

[See Prior Text in V]

1. The petitioner shall submit a plan to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division outlining the protocol used to:

* * *

[See Prior Text in V.1.a - Y]

Z. As a condition of the exemption, the petitioner must submit a report to the Office of Environmental Services, Permits Division by March 1 of each calendar year during the term of the exemption, describing in detail the efforts undertaken during the preceding calendar year to reduce the volume and toxicity of the waste generated. The report shall provide data indicating the change in volume and toxicity of waste actually achieved during the year in comparison to previous years.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 22:22 (January 1996), amended LR 23:299 (March 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2273. Petition for Determinations Concerning No Alternatives to Land Disposal of a Prohibited Waste by Deep Well Injection

* * *

[See Prior Text in A - B]

C. Any person seeking a determination of no alternatives must submit a petition to the ~~administrative authority~~ Office of Environmental Services, Permits Division that does the following:

* * *

[See Prior Text in C.1 - D]

E. Except as otherwise provided in this Section, if a hazardous waste not subject to an existing determination is to be injected, a petition that addresses such hazardous waste must be submitted to the Office of Environmental Services, Permits Division and a determination of no alternatives be made prior to this waste being injected. The provisions contained in Subsection J of this Section, shall apply with respect to such hazardous waste.

* * *

[See Prior Text in E.1 - 2]

F. If a new injection well(s) is to be used to inject a hazardous waste subject to an existing approved determination under this Section, a new petition is not necessary, provided the owner or operator submits a notice to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division. The notice shall include a copy of the EPA exemption approval for the new well(s) and a copy of the permit issued by the Louisiana Department of Natural Resources, Office of Conservation for the new well(s).

* * *

[See Prior Text in G - L.1]

2. The petitioner shall submit a petition to the Office of Environmental Services, Permits Division for reissuance of a determination at least 180 days prior to the end of the term. If the petitioner submits a timely and technically complete petition and the administrative authority, through no fault of the petitioner, fails to act on the petition for reissuance on or before the expiration date of the existing determination, the petitioner may, with the written approval of the administrative authority, continue to operate under the terms and conditions of the existing determination, which shall remain in effect until final action on the petition is taken by the administrative authority and all subsequent administrative and/or judicial appeal processes have been completed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Environmental Assessment, Environmental Planning Division, LR 25:1801 (October 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 23. Waste Piles

§2303. Design and Operating Requirements

* * *

[See Prior Text in A - K.4]

a. notify the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division of the leak in writing within seven days after detecting the leak; and

* * *

[See Prior Text in K.4.b - L]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2306. Response Actions

* * *

[See Prior Text in A - B]

1. notify the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division in writing of the exceedence within seven days of the determination;

2. submit a preliminary written assessment to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

* * *

[See Prior Text in B.3 - 5]

6. within 30 days after the notification that the action leakage rate has been exceeded, submit to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division the results of the analyses specified in LAC 33:V.2306.B.3-5, of actions taken, and of remedial actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the administrative authority a report summarizing the results of any remedial actions taken and actions planned.

* * *

[See Prior Text in C - C.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2307. Inspection of Synthetic Liners

A. The facility must provide the ~~department~~ Office of Environmental Assessment, Environmental Technology Division with 30 days advance notice of the initial liner installation to allow the administrative authority the opportunity to inspect the liner and its installation.

B. The liner must be inspected on a regular basis by removing the waste pile. The facility must notify the ~~department~~ Office of Environmental Assessment, Environmental Technology Division at least 30 days prior to the inspection to allow the administrative authority the opportunity to inspect the liner. If deterioration, a crack, or other condition is identified that is causing or could cause a leak, the owner or operator must:

* * *

[See Prior Text in B.1 - 3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 25. Landfills

§2503. Design and Operating Requirements

* * *

[See Prior Text in A - K.1.m]

n. it is not a radioactive waste as defined by the Radiation Protection regulations (LAC 33:XV) of the Nuclear Division; and

* * *

[See Prior Text in K.1.o - N.2.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 17:368 (April 1991), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2508. Response Actions

* * *

[See Prior Text in A - B]

1. notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing of the exceedence within seven days of the determination;

2. submit a preliminary written assessment to the ~~administrative authority~~ Office of Environmental Services, Permits Division within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

* * *

[See Prior Text in B.3 - 5]

6. within 30 days after the notification that the action leakage rate has been exceeded, submit to the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division the results of the analyses specified in LAC 33:V.2508.B.3-5, the results of actions taken, and actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the administrative authority a report summarizing the results of any remedial actions taken and remedial actions planned.

* * *

[See Prior Text in C - C.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2521. Closure and Post-closure Care

* * *

[See Prior Text in A - B.6]

C. During the post-closure care period, if liquid leaks into a leak detection system installed under LAC 33:V.3305, the owner or operator must notify the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division of the leak in writing within seven days after detecting the leak.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 27. Land Treatment

§2707. Treatment Demonstration

* * *

[See Prior Text in A - D.2.b]

3. When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, he must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a certification, signed by a person authorized to sign a permit application or report under LAC 33:V.507 and 509, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the administrative authority approves a later date.

* * *

[See Prior Text in D.4 - 4.c]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2711. Unsaturated Zone Monitoring

An owner or operator subject to this Chapter must establish an unsaturated zone monitoring program to discharge the following responsibilities.

* * *

[See Prior Text in A - G]

1. notify the ~~administrative authority~~ Office of Environmental Services, Permits Division of this finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases;

2. within 90 days, submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division an application for a permit modification to modify the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone.

* * *

[See Prior Text in H]

1. notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing within seven days of determining a statistically significant increase below the treatment zone that he intends to make a determination under this Subsection;
2. within 90 days, submit a report to the ~~administrative authority~~ Office of Environmental Services, Permits Division demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;
3. within 90 days, submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

* * *

[See Prior Text in H.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2719. Closure and Post-Closure Care

* * *

[See Prior Text in A - A.8]

B. For the purpose of complying with LAC 33:V.3517, when closure is completed, the owner or operator may submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division certification by an independent qualified soil scientist, in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

* * *

[See Prior Text in C - C.7]

D. The owner or operator is not subject to regulation under LAC 33:V.2719.A.8 and 2719.C if the administrative authority finds that the level of hazardous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in LAC 33:V.2719.D.3. The owner or operator may submit such a demonstration to the ~~administrative authority~~ Office of Environmental Services, Permits Division at any time during the closure or post-closure care periods. For the purposes of this Subsection:

* * *

[See Prior Text in D.1 - 4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 14:790 (November 1988), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 28. Drip Pads

§2803. Assessment of Existing Drip Pad Integrity

* * *

[See Prior Text in A]

B. The owner or operator must develop a written plan for upgrading, repairing, and modifying the drip pad to meet the requirements of LAC 33:V.2805.C and submit the plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division no later than two years before the date that all repairs, upgrades, and modifications will be complete. This written plan must describe all changes to be made to the drip pad in sufficient detail to document compliance with all the requirements of LAC 33:V.2805 and must document the age of the drip pad to the extent possible. The plan must be reviewed and certified by an independent qualified, registered professional engineer.

C. Upon completion of all upgrades, repairs, and modifications, the owner or operator must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division the as-built drawings for the drip pad together with a certification by an independent, qualified registered professional engineer attesting that the drip pad conforms to the drawings.

* * *

[See Prior Text in D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2805. Design and Operating Requirements

Owners and operators of drip pads must ensure that the pads are designed, installed, and operated in accordance with LAC 33:V.2805.A or C.

* * *

[See Prior Text in A - N.1.c]

d. within 24 hours after discovery of the condition, notify the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by e-mail at surveillance@deq.state.la.us utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance of the condition and, within 10 working days, provide written notice to the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division with a description of the steps that will be taken to repair the drip pad and clean up any leakage, and the schedule for accomplishing this work.

* * *

[See Prior Text in N.2]

3. Upon completing all repairs and cleanup, the owner or operator must notify the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division in writing and provide a certification, signed by an independent qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.2805.N.1.d.

* * *

[See Prior Text in O - P]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 29. Surface Impoundments

§2903. Design and Operating Requirements

[Comment: The permit applicant must submit detailed plans and specifications accompanied by an engineering report that must collectively include the information itemized and address the following in addition to the design and operating requirements: (1) a description of the proposed maintenance and repair procedures; (2) a description of the operating procedures that will ensure compliance with this Section; and (3) a certification by a qualified engineer which states that the facilities comply with the applicable design requirements in this Section. The owner or operator of a new facility must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications.]

* * *

[See Prior Text in A - I.4]

a. notify the ~~administrative authority~~ Office of Environmental Services, Permits Division of the leak in writing within seven days after detecting the leak; and

* * *

[See Prior Text in I.4.b - L.2.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:220 (March 1990), LR 17:658 (July 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), LR 21:267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2906. Response Actions

* * *

[See Prior Text in A - B]

1. notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing of the exceedence within seven days of the determination;

2. submit a preliminary written assessment to the ~~administrative authority~~ Office of Environmental Services, Permits Division within 14 days of the determination, as to the amount of liquids, likely sources of liquids, possible location, size, and cause of any leaks, and short-term actions taken and planned;

* * *

[See Prior Text in B.3 - 5]

6. within 30 days after the notification that the action leakage rate has been exceeded, submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division

the results of the analyses specified in LAC 33:V.2906.B.3-5, the results of actions taken, and remedial actions planned. Monthly thereafter, as long as the flow rate in the leak detection system exceeds the action leakage rate, the owner or operator must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a report summarizing the results of any remedial actions taken and actions planned.

* * *

[See Prior Text in C - C.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§2909. Emergency Repairs; Contingency Plans

* * *

[See Prior Text in A - B.5]

6. notify the ~~administrative authority~~ Office of Environmental Compliance of the problem by phone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays, or by e-mail at at-surveillance@deq.state.la.us utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance in 24 hours and in writing within seven days after detecting the problem.

* * *

[See Prior Text in C - E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 30. Hazardous Waste Burned in Boilers and Industrial Furnaces

§3005. Permit Standards for Burners

* * *

[See Prior Text in A - D.4.b]

c. For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow the owner or operator to analyze samples, compute data, and submit to the Office of Environmental Services, Permits Division the trial burn results, and for the administrative authority to modify the facility permit to reflect the trial burn results, the administrative authority will specify the operating requirements most likely to ensure compliance with the emission standards of LAC 33:V.3009-3015, based on engineering judgment.

* * *

[See Prior Text in D.4.d - I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 21:944 (September 1995), LR 22:822 (September 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3007. Interim Status Standards for Burners

* * *

[See Prior Text in A - B.5.c]

6. Public Notice Requirements at Precompliance. On or before August 21, 1991, the owner or operator must submit a notice with the following information for publication in a major local newspaper of general circulation and send a copy of the notice to the appropriate units of state and local government. The owner or operator must provide to the ~~administrative authority~~ Office of Environmental Services, Permits Division with the certification of precompliance evidence of submitting the notice for publication. The notice, which shall be entitled "Notice of Certification of Precompliance with Hazardous Waste Burning Requirements of LAC 33:V.3007.B", must include:

* * *

[See Prior Text in B.6.a - i]

j. location (mailing address) of the applicable LDEQ Regional Office, ~~Hazardous Waste Division~~, where further information can be obtained on LDEQ regulation of hazardous waste burning.

* * *

[See Prior Text in B.7 - C.1.m]

2. Prior Notice of Compliance Testing. At least 30 days prior to the compliance testing required by LAC 33:V.3007.C.3, the owner or operator shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division and submit the following information:

* * *

[See Prior Text in C.2.a - 7.b.iii]

8. Revised Certification of Compliance. The owner or operator may submit at any time a revised certification of compliance (recertification of compliance) to the Office of Environmental Services, Permits Division under the following procedures:

* * *

[See Prior Text in C.8.a]

b. at least 30 days prior to first burning hazardous waste under operating conditions that exceed those established under a current certification of compliance, the owner or operator shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division and submit the following information:

* * *

[See Prior Text in C.8.b.i - iii]

iv. complete emissions testing protocol for any pretesting and for a new compliance test to determine compliance with the applicable emissions standards of LAC 33:V.3009-3015 when operating under revised operating conditions. The protocol shall include a schedule of pre-testing and compliance testing. If the owner and operator revises the scheduled date for the compliance test, he/she shall notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 30 days prior to the revised date of the compliance test;

* * *

[See Prior Text in C.8.c]

d. submit to the Office of Environmental Services, Permits Division a revised certification of compliance under LAC 33:V.3007.C.4.

D. Periodic Recertifications. The owner or operator must conduct compliance testing and submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a recertification of compliance under provisions of LAC 33:V.3007.C within three years from submitting the previous certification or recertification. If the owner or operator seeks to recertify compliance under new operating conditions, he/she must comply with the requirements of LAC 33:V.3007.C.8.

* * *

[See Prior Text in E - L]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:822 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1740 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3009. Standards to Control Organic Emissions

A boiler or industrial furnace burning hazardous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under LAC 33:V.3005.E, it will meet the following standards:

* * *

[See Prior Text in A - A.2]

3. Dioxin-listed Waste. A boiler or industrial furnace burning hazardous waste containing (or derived from) EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, or F027 must achieve a DRE of 99.9999 percent for each POHC designated (under Subsection A.1.b of this Section) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. The DRE is determined for each POHC from the equation in Subsection A.1 of this Section. In addition, the owner or operator of the boiler or industrial furnace must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division of his intent to burn EPA Hazardous Waste Numbers F020, F021, F022, F023, F026, or F027.

* * *

[See Prior Text in A.4 - I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 18:1375 (December 1992), amended LR 21:266 (March 1995), LR 22:823 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1741 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 31. Incinerators

§3103. General Requirements

A. The operator of a hazardous waste incinerator shall secure a permit from the ~~Air Quality Division~~ Office of Environmental Services, Permits Division of the department.

[Comment: The permit application must also include the information required in LAC 33:V.3115.]

* * *

[See Prior Text in B - D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3115. Incinerator Permits for New or Modified Facilities

* * *

[See Prior Text in A - B.13.]

14. the applicant must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in Subsection B.13 of this Section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the administrative authority.

15. all data collected during any trial burn must be submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division following the completion of the trial burn.

* * *

[See Prior Text in B.16 - C.2]

D. For the purposes of determining feasibility of compliance with the performance standards of LAC 33:V.3111 and of determining adequate operating conditions under LAC 33:V.3117, the applicant for a permit for an existing hazardous waste incinerator must prepare and submit to the Office of Environmental Services, Permits Division a trial burn plan and perform a trial burn in accordance with LAC 33:V.529.B and Subsection B, B.1-11, and 13-16 or, instead, submit other information as specified in LAC 33:V.529.C. The administrative authority must announce his or her intention to approve the trial burn plan in accordance with the timing and distribution requirements of Subsection B.12 of this Section. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the permitting agency; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance,

including the anticipated time schedule for agency approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under LAC 33:V.529.A are exempt from compliance with LAC 33:V.3111 and 3117 and, therefore, are exempt from the requirements to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in Subsection B.13 of this Section, with Part II of the permit application. If completion of this process conflicts with the date set for submission of the Part II application, the applicant must contact the administrative authority to establish a later date for submission of the Part II application or the trial burn results. Trial burn results must be submitted prior to issuance of a permit. When the applicant submits a trial burn plan with Part II of the permit application, the administrative authority will specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 16:614 (July 1990), LR 18:1256 (November 1992), LR 22:828 (September 1996), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:683 (April 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 33. Ground Water Protection

§3317. Detection Monitoring Program

An owner or operator required to establish a detection monitoring program under this Subpart must, at a minimum, discharge the following responsibilities:

* * *

[See Prior Text in A - G.3]

4. Within 90 days, submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division an application for a permit modification to establish a compliance monitoring program meeting the requirements of LAC 33:V.3319. The application must include the following information:

* * *

[See Prior Text in G.4.a - d]

5. Within 180 days, submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division:

* * *

[See Prior Text in G.5.a - 6]

a. notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing within seven days of determining statistically significant evidence of contamination at the compliance point that he or she intends to make a demonstration under this Paragraph;

b. within 90 days, submit a report to the ~~administrative authority~~ Office of Environmental Services, Permits Division that demonstrates that a source other than a regulated unit caused the contamination or that the contamination resulted from error in sampling, analysis, or evaluation;

* * *

[See Prior Text in G.6.c - H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:280 (April 1984), LR 10:496 (July 1984), LR 16:399 (May 1990), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3319. Compliance Monitoring Program

An owner or operator required to establish a compliance monitoring program under this Chapter must, at a minimum, discharge the following responsibilities:

* * *

[See Prior Text in A - H]

1. notify the ~~administrative authority~~ Office of Environmental Services, Permits Division of this finding in writing within seven days. The notification must indicate what concentration limits have been exceeded; and

2. submit, to the ~~administrative authority~~ Office of Environmental Services, Permits Division, an application for a permit modification to establish a corrective action program meeting the requirements of LAC 33:V.3321 within 180 days, or within 90 days if an engineering feasibility study has been previously submitted to the administrative authority under LAC 33:V.3317.H.5. The application must at a minimum include the following information:

* * *

[See Prior Text in H.2.a - I]

1. notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing within seven days that he intends to make a demonstration under this Paragraph;

2. within 90 days, submit a report to the ~~administrative authority~~ Office of Environmental Services, Permits Division which demonstrates that a source other than a regulated unit caused the standard to be exceeded or that the apparent noncompliance with the standards resulted from error in sampling, analysis or evaluation;

3. within 90 days, submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division an application for a permit modification to make any appropriate changes to the compliance monitoring program at the facility; and

* * *

[See Prior Text in I.4]

J. If the owner or operator determines that the compliance monitoring program no longer satisfies the requirements of this Section, he must, within 90 days, submit to the Office of Environmental Services, Permits Division an application for a permit modification to make any appropriate changes to the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 16:399 (May 1990), LR 16:614 (July 1990), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3321. Corrective Action Program

An owner or operator required to establish a corrective action program under this Subpart must, at a minimum, discharge the following responsibilities:

* * *

[See Prior Text in A - F]

G. the owner or operator must report in writing to the ~~administrative authority~~ Office of Environmental Assessment, Remediation Services Division on the effectiveness of the corrective action program. The owner or operator must submit these reports semi-annually; and

H. if the owner or operator determines that the corrective action program no longer satisfies the requirements of this Section, he must, within 90 days, submit to the Office of Environmental Services, Permits Division an application for a permit modification to make any appropriate changes to the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:614 (July 1990), amended LR 17:658 (July 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33

ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 35. Closure and Post-Closure

§3503. Notification of Intention to Close a Facility

A. At least 180 days prior to closure, the operator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division of intention to close and supply the following information:

* * *

[See Prior Text in A.1 - 4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter A. Closure Requirements

§3505. Closure Procedures

* * *

[See Prior Text in A]

B. If the request is made to change the closure plan, the operator will submit revisions to the plan to the Office of Environmental Services, Permits Division, supported by necessary scientific and engineering data to permit evaluation by the department, and the procedures established in permit process will be followed in evaluating and approving the requested changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3511. Closure Plan; Amendment of Plan

* * *

[See Prior Text in A - B.7]

C. Amendment of Plan. The owner or operator must submit to the Office of Environmental Services, Permits Division a written notification of or request for a permit modification to authorize a change in operating plans, facility design, or the approved closure plan in accordance with the applicable procedures in LAC 33:V.Chapters 3 and 7. The written notification or request must include a copy of the amended closure plan for review or approval by the administrative authority.

1. The owner or operator may submit a written notification or request to the ~~administrative authority~~ Office of Environmental Services, Permits Division for a permit modification to amend the closure plan at any time prior to the notification of partial or final closure of the facility.

* * *

[See Prior Text in C.2 - 2.c]

3. The owner or operator must submit to the Office of Environmental Services, Permits Division a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator must request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under LAC 33:V.2911.D or 2315.D must submit an amended closure plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division no later than 60 days from the date that the owner or operator or administrative authority determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of LAC 33:V.2521, or no later than 30 days from that date if the determination is made during partial closure or final closure. The administrative authority will approve, disapprove, or modify this amended plan in accordance with the procedures in LAC 33:V.Chapters 3 and 7. In accordance with LAC 33:V.311, the approved closure plan will become a condition of any hazardous waste permit issued.

* * *

[See Prior Text in C.4 - D]

1. The owner or operator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, land treatment or landfill unit, or final closure of a facility with such a unit. The owner or operator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 45 days prior to the date on which he expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division in writing at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.

* * *

[See Prior Text in D.2 - E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:399 (May 1990), LR 16:614 (July 1990), LR 17:478 (May 1991), LR 18:1256 (November 1992), LR 18:1375 (December 1992), LR 21:266 (March 1995), , amended by the Office of Waste Services, Hazardous Waste Division, LR 25:480 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3513. Closure; Time Allowed for Closure

* * *

[See Prior Text in A - E]

1. Submit to the Office of Environmental Services, Permits Division with the request to modify the permit:

* * *

[See Prior Text in E.1.a - 7.e]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 17:478 (May 1991), LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3517. Certification of Closure

A. Within 60 days of completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit, and within 60 days of the completion of final closure, the owner or operator must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.3707.

B. Survey Plat. No later than the submission of the certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the ~~administrative authority~~ Office of Environmental Services, Permits Division, a survey plat indicating the location and dimensions of landfills cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority, or the authority with jurisdiction over local land use, must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable Chapter 35 regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Post-Closure Requirements

§3523. Post-Closure Plan, Amendment of Plan

A. Written Plan. The owner or operator of a hazardous waste disposal unit must have a written post-closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous wastes at partial or final closure are required by LAC 33:V.2911.D and 2315.C to have contingent post-closure plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure plans under LAC 33:V.2315.C and 2911.D must submit a post-closure plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division within 90 days from the date that the owner or operator or administrative authority determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of LAC 33:V.3519-3527.

The plan must be submitted with the permit application, in accordance with LAC 33:V.517.P, and approved by the administrative authority as part of the permit issuance procedures under these regulations. In accordance with LAC 33:V.311 the approved post-closure plan will become a condition of any hazardous waste permit issued.

* * *

[See Prior Text in B - C]

D. Amendment of Plan. The owner or operator must submit to the Office of Environmental Services, Permits Division a written notification of or request for a permit modification to authorize a change in the approved post-closure plan in accordance with the applicable requirements of LAC 33:V.Chapters 3 and 7. The written notification or request must include a copy of the amended post-closure plan for review or approval by the administrative authority.

1. The owner or operator may submit a written notification or request to the ~~administrative authority~~ Office of Environmental Services, Permits Division for a permit modification to amend the post-closure plan at any time during the active life of the facility or during the post-closure care period.

* * *

[See Prior Text in D.2 - 2.d]

3. The owner or operator must submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at a closure and is not otherwise required to submit a contingent post-closure plan under LAC 33:V.2911.D and 2315.C must submit a post-closure plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division no later than 90 days after the date that the owner or operator or administrative authority determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of LAC 33:V.2521. The administrative authority will approve, disapprove or modify this plan in accordance with the procedures in LAC 33:V.Chapters 3 and 7. In accordance with LAC 33:V.311, the approved post-closure plan will become a permit condition.

* * *

[See Prior Text in D.4]

E. Certification of Completion of Post-closure Care. No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:399 (May 1990), LR 16:614 (July

1990), LR 18:1256 (November 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:480 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3525. Post-Closure Notices

A. No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the ~~administrative authority~~ Office of Environmental Services, Permits Division a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator must identify the type, location, and quantity of the hazardous wastes to the best of his knowledge and in accordance with any records he has kept.

* * *

[See Prior Text in B - C.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 18:1256 (November 1992), LR 23:568 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3527. Certification of Completion of Post-Closure Care

No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under LAC 33:V.3711.I.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 37. Financial Requirements

Subchapter A. Closure Requirements

§3707. Financial Assurance for Closure

An owner or operator of each facility must establish financial assurance for closure of the facility. Under this Part, the owner or operator must choose from the options as specified in LAC 33:V.3707.A-F, which choice the administrative authority must find acceptable based on the application and the circumstances.

* * *

[See Prior Text in A]

1. An owner or operator may satisfy the requirements of this Part by establishing a closure trust fund which conforms to the requirements of this Subpart, and submitting an originally signed duplicate of the trust agreement to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. An owner or operator of a new facility must submit the originally signed duplicate of the trust agreement to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

* * *

[See Prior Text in A.2 - 6]

7. If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division for release of the amount in excess of the current closure cost estimate.

8. If an owner or operator substitutes other financial assurance as specified in this Part for all or part of the trust fund, he may submit a written request to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division for release of the amount in excess of the current closure cost estimate covered by the trust fund.

* * *

[See Prior Text in A.9 - B]

1. An owner or operator may satisfy the requirements of this Part by obtaining a surety bond which conforms to the requirements of this Paragraph and submitting the bond to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. An owner or operator of a new facility must submit the bond to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and approved by the administrative authority.

* * *

[See Prior Text in B.2 - 6]

7. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in B.8 - C]

1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this Subsection and submitting the bond to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. An owner or operator of a new facility must submit the bond to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and approved by the administrative authority.

* * *

[See Prior Text in C.2 - 6]

7. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Part. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in C.8 - D]

1. An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Subsection and submitting the letter to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. An owner or operator of a new facility must submit the letter of credit to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The letter of credit must be effective before the initial receipt of hazardous waste. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

* * *

[See Prior Text in D.2 - 6]

7. Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, must either cause the

amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in D.8 - E]

1. An owner or operator may satisfy the requirements of this Part by obtaining closure insurance which conforms to the requirements of this Paragraph and submitting a certificate of such insurance to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. An owner or operator of a new facility must submit the certificate of insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and authorized to transact business in Louisiana.

* * *

[See Prior Text in E.2 - 8.e]

9. Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate, and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in E.10 - F.2]

3. To demonstrate that he meets this test, the owner or operator must submit the following items to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division:

* * *

[See Prior Text in F.3.a - c.ii]

4. An owner or operator of a new facility must submit the items specified in LAC 33:V.3707.F.3 to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal.

5. After the initial submission of items specified in LAC 33:V.3707.F.3, the owner or operator must send updated information to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in LAC 33:V.3707.F.3.

6. If the owner or operator no longer meets the requirements of LAC 33:V.3707.F.1, he must send notice to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division of intent to establish alternate financial assurance as specified in this Part. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

* * *

[See Prior Text in F.7 - I]

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Subchapter B. Post-Closure Requirements

§3711. Financial Assurance for Post-Closure Care

The owner or operator of a hazardous waste management unit subject to the requirements of LAC 33:V.3709 must establish financial assurance for post-closure care in accordance with the approved post-closure plan for the facility 60 days prior to the initial receipt of hazardous waste or the effective date of the regulation, whichever is later. Under this Section, the owner or operator must choose from the options as specified in Subsections A-F of this Section, which choice the administrative authority must find acceptable based on the application and the circumstances.

* * *

[See Prior Text in A]

1. An owner or operator may satisfy the requirements of this Part by establishing a post-closure trust fund which conforms to the requirements of this Paragraph and submitting an originally signed duplicate of the trust agreement to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. An owner or operator of a new facility must submit the originally signed duplicate of the trust agreement to the administrative authority at least 60 days before the date on which hazardous waste is first received for disposal. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

* * *

[See Prior Text in A.2 - 6]

7. During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division for release of the amount in excess of the current post-closure cost estimate.

8. If an owner or operator substitutes other financial assurance as specified in this Part for all or part of the trust fund, he may submit a written request to the ~~administrative authority~~

Office of Management and Finance, Financial Services Division for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

* * *

[See Prior Text in A.9 - B]

1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this Subsection and submitting the bond to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. An owner or operator of a new facility must submit the bond to the administrative authority at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and approved by the administrative authority.

* * *

[See Prior Text in B.2 - 6]

7. Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

8. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator, and to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.

* * *

[See Prior Text in B.9 - C]

1. An owner or operator of a facility which has been issued a standard permit may satisfy the requirements of this Section by obtaining a surety bond which conforms to the requirements of this Subsection and by submitting the bond to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. An owner or operator of a new facility must submit the bond to the administrative authority at least 60 days before the date on which hazardous waste is first received for disposal. The bond must be effective before this initial receipt of hazardous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury, and approved by the administrative authority.

* * *

[See Prior Text in C.2 - 6]

7. Whenever the current post-closure cost estimate increases to an amount greater than the penal sum during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the

current post-closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Part. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in C.8]

9. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator, and to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.

* * *

[See Prior Text in C.10 - D]

1. An owner or operator may satisfy the requirements of this Part by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Paragraph and by submitting the letter to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. An owner or operator of a new facility must submit the letter of credit to the administrative authority at least 60 days before the date on which hazardous waste is first received for disposal. The letter of credit must be effective before this initial receipt of hazardous waste. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

* * *

[See Prior Text in D.2 - 6]

7. Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in D.8 - 9]

10. If the owner or operator does not establish alternate financial assurance as specified in this Part and obtain written approval of such alternate assurance from the administrative authority within 90 days after receipt by both the owner or operator and the ~~administrative authority~~ Office of Management and Finance, Financial Services Division of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the administrative authority will draw on the letter of credit. The administrative authority may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the administrative authority will draw on the letter of credit if the owner or

operator has failed to provide alternate financial assurance as specified in this Part and obtain written approval of such assurance from the administrative authority.

* * *

[See Prior Text in D.11 - E]

1. An owner or operator may satisfy the requirements of this Part by obtaining post-closure insurance which conforms to the requirements of this Paragraph and submitting a certificate of such insurance to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. An owner or operator of a new facility must submit the certificate of insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for disposal. The insurance must be effective before this initial receipt of hazardous waste. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer in one or more states, and authorized to transact business in Louisiana.

* * *

[See Prior Text in E.2 - 7]

8. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the administrative authority and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

* * *

[See Prior Text in E.8.a - e]

9. Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in this Part to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in E.10 - F.2]

3. To demonstrate that he meets this test, the owner or operator must submit the following items to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division:

* * *

[See Prior Text in F.3.a - c.ii]

4. An owner or operator of a new facility must submit the items specified in LAC 33:V.3711.F.3 to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division at least 60 days before the date on which hazardous waste is first received for disposal.

5. After the initial submission of items specified in LAC 33:V.3711.F.3, the owner or operator must send updated information to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in LAC 33:V.3711.F.3.

6. If the owner or operator no longer meets the requirements of LAC 33:V.3711.F.1 of this Part, he must send notice to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division of intent to establish alternate financial assurance as specified in this Part. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

* * *

[See Prior Text in F.7 - I]

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Subchapter D. Insurance Requirements

§3715. Liability Requirements

* * *

[See Prior Text in A - A.1]

a. Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a certificate of liability insurance. The wording of the endorsement must be identical to the wording specified in LAC 33:V.3719.I. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.J. The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. If requested by the administrative authority, the owner or operator must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the certificate of liability insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste.

* * *

[See Prior Text in A.1.b - 6]

7. An owner or operator shall notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division in writing within 30 days whenever:

* * *

[See Prior Text in A.7.a - B.1]

a. Each insurance policy must be amended by attachment of the Hazardous Waste Facility Liability Endorsement or evidenced by a certificate of liability insurance. The wording of the endorsement must be identical to the wording specified in LAC 33:V.3719.I. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.J. The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. If requested by the administrative authority, the owner or operator must provide a signed duplicate original of the insurance policy. An owner or operator of a new facility must submit the signed duplicate original of the Hazardous Waste Facility Liability Endorsement or the certificate of liability insurance to the administrative authority at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal. The insurance must be effective before this initial receipt of hazardous waste.

* * *

[See Prior Text in B.1.b - 6]

7. An owner or operator shall notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division in writing within 30 days whenever:

* * *

[See Prior Text in B.7.b - C]

D. Adjustments by the Administrative Authority. If the administrative authority determines that the levels of financial responsibility required by LAC 33:V.3715.A or B are not consistent with the degree and duration of risk associated with treatment, storage, or disposal at the facility or group of facilities, the administrative authority may adjust the level of financial responsibility required by LAC 33:V.3715.A and B as may be necessary to protect human health and the environment. This adjusted level will be based on the administrative authority's assessment of the degree and duration of risk associated with the ownership or operation of the facility or group of facilities. In addition, if the administrative authority determines that there is a significant risk to human health and the environment from non-sudden accidental occurrences resulting from the operations of a facility that is not a surface impoundment, landfill, or land treatment facility, he may require that an owner or operator of the facility comply with LAC 33:V.3715.B. An owner or operator must furnish to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, within a reasonable time, any information which the administrative authority requests to determine whether cause exists for such adjustments of level or type of coverage. Any adjustment of the level or type of coverage for a facility that has a permit will be treated as a permit modification under LAC 33:V.321.

* * *

[See Prior Text in E - F.2]

3. To demonstrate that he meets this test, the owner or operator must submit the following three items to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division:

* * *

[See Prior Text in F.3.a - c.ii]

4. An owner or operator of a new facility must submit the items specified in LAC 33:V.3715.F.3 to the ~~a administrative authority~~ Office of Management and Finance, Financial Services Division at least 60 days before the date on which hazardous waste is first received for treatment, storage, or disposal.

* * *

[See Prior Text in F.5]

6. If the owner or operator no longer meets the requirements of LAC 33:V.3715.F.1, he must obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in this Section. Evidence of liability coverage must be submitted to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

* * *

[See Prior Text in F.7 - H]

1. An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Subsection and submitting a copy of the letter of credit to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in H.2 - I]

1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this Subsection and submitting a copy of the bond to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in I.2 - J]

1. An owner or operator may satisfy the requirements of this Section by establishing a trust fund that conforms to the requirements of this Paragraph and submitting an originally signed duplicate of the trust agreement to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in J.2 - K]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:686 (July 1985), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16:399 (May 1990), LR 18:723 (July 1992), repromulgated LR 19:486 (April 1993), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1513 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter E. Incapacity Regulations**§3717. Incapacity of Owners or Operators, Guarantors, or Financial Institutions**

A. An owner or operator must notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in LAC 33:V.3707.F and 3711.F must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (see LAC 33:V.3719.H).

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter F. Financial and Insurance Instruments**§3719. Wording of the Instruments**

* * *

[See Prior Text in A – C.Performance Bond]

D. Letter of Credit. A letter of credit, as specified in LAC 33:V.3707.D or 3711.D or 4403.C or 4407.C must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

IRREVOCABLE STANDBY LETTER OF CREDIT

Secretary

Louisiana Department of Environmental Quality

P.O. Box 8226331

Baton Rouge, LA 70884-226331

Dear [Sir or Madam]:

We hereby establish our Irrevocable Standby Letter of Credit Number _____ in favor of the Department of Environmental Quality of the State of Louisiana at the request and for the account of [owner's or operator's name and address] up to the aggregate amount of U.S. dollars \$_____ upon presentation of:

1. a sight draft, bearing reference to the Letter of Credit Number____drawn by the Secretary or his or her designated representative, together with;

2. a statement signed by the Secretary or his or her designated representative, reading as follows:

"I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Louisiana Environmental Quality Act, R.S. 30:2001, et seq."

This Letter of Credit is effective as of _____, 19____, and shall expire on_____, 19____ [date at least one year later], but such expiration date will be automatically extended for a period of at least one year on the above expiration date [____, 19____] and on each successive expiration date thereafter, unless, at least 120 days before the then current expiration date, we notify both you and [name of owner/operator] by certified mail that we have decided not to extend this Letter of Credit beyond the

then current expiration date. In the event we give such notification, any unused portion of the credit shall be available upon presentation of your sight draft for 120 days after the date of receipt by both you and [name of owner/operator], as shown on the signed return receipts.

Whenever this Letter of Credit is drawn under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of the draft directly into the standby trust fund of [name of owner/operator] in accordance with your instructions.

We certify that the wording of this Letter of Credit is identical to the wording specified in LAC 33:V.3719.D as such regulations were constituted on the date shown immediately below.

[Signature(s) and Titles of Official(s) of issuing institutions]

[DATE]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits, published and copyrighted by the International Chamber of Commerce," or "the Uniform Commercial Code"].

* * *

[See Prior Text in E.Certificate of Insurance for Closure or Post-Closure Care]

F. Closure Guarantee. A letter from the chief financial officer, as specified in LAC 33:V:3707.F.3 or 3711.F.3 or 4403.E.3 or 4407.E.3 must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

LETTER FROM CHIEF FINANCIAL OFFICER

Secretary

Louisiana Department of Environmental Quality

P.O. Box 8226331

Baton Rouge, LA 70884-226331

Dear [Sir or Madam]:

I am the chief financial officer of [name and address of firm]. This letter is in support of this firm's use of the financial test to demonstrate financial assurance for closure and/or post-closure costs, as specified in LAC 33:V.Chapter 37 and 43.

[Fill out the following five paragraphs. If there are no facilities that belong in a particular paragraph, write "None" in the space indicated. For each facility, include its EPA Identification Number, name, address, and current closure and/or post-closure cost estimates. Identify each cost as to whether it is for closure or post-closure.]

* * *

[See Prior Text in 1 – 5]

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed fiscal year, ended [date].

[Fill in Alternative I if the first criteria of LAC 33:V.3707.F.1 or 3711.F.1 or the first criteria of LAC 33:V.4403.E.1 or 4407.E.1 are used. Fill in Alternative II if the second criteria of LAC 33:V.3707.F.1 or 3711.F.1 or the second criteria of LAC 33:V.4403.E.1 or 4407.E.1 are used.]

ALTERNATIVE I

* * *

[See Prior Text in 1 – 17]

ALTERNATIVE II

* * *

[See Prior Text in 1 – 10]

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:V.3719.F as such regulations were constituted on the date shown immediately below.

[Signature]

[Name]

[Title]

[Date]

G. Liability Coverage Guarantee. A letter from the chief financial officer, as specified in LAC 33:V.3715.F or 4411, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

Secretary

Louisiana Department of Environmental Quality

P.O. Box 8226331

Baton Rouge, LA 70884-226331

Dear [Sir or Madam]:

I am the chief financial officer of [firm's name and address]. This letter is in support of the use of the financial test to demonstrate financial responsibility for liability coverage [insert "and closure and/or post-closure care" if applicable] as specified in LAC 33:V.Chapter 37 or 43.

[Fill out the following paragraph regarding facilities and liability coverage. If there are no facilities that belong in a particular paragraph, write "none" in the space indicated. For each facility, include its EPA Identification Number, name, and address.]

The firm identified above is the owner or operator of the following facilities for which liability coverage for [insert "sudden" or "nonsudden" or "both sudden and nonsudden"] accidental occurrences is being demonstrated through the financial test specified in LAC 33:V.Chapter 37 or 43.

The firm identified above guarantees, through the guarantee specified in LAC 33:V.Chapter 37 or 43, liability coverage for [insert "sudden" or "nonsudden" or "both sudden and nonsudden"] accidental occurrences at the following facilities owned or operated by the following: _____ . The firm identified above is [insert one or more: (1) the direct or higher-tier parent corporation of the owner or operator; (2) owned by the same parent corporation as the parent corporation of the owner or operator, and receiving the following value in consideration of this guarantee _____; or (3) engaged in the following substantial business relationship with the owner or operator _____, and receiving the following value in consideration of this guarantee _____]. [Attach a written description of the business relationship or a copy of the contract establishing such relationship to this letter].

[If you are using the financial test to demonstrate coverage of both liability and closure and post-closure care, fill in the following five paragraphs regarding facilities and associated closure and post-closure cost estimates. If there are no facilities that belong in a particular paragraph, write "none" in the space indicated. For each facility, include its EPA Identification Number, name, address, and

current closure and/or post-closure cost estimates. Identify each cost estimate as to whether it is for closure or post-closure care.]

* * *

[See Prior Text in 1 – 5]

This firm [insert "is required" or "is not required"] to file a Form 10K with the Securities and Exchange Commission (SEC) for the latest fiscal year.

The fiscal year of this firm ends on [month, day]. The figures for the following items marked with an asterisk are derived from this firm's independently audited, year-end financial statements for the latest completed year, ended [date].

[Fill in Part A if you are using the financial test to demonstrate coverage only for the liability requirements under LAC 33:V.Chapters 37 and 43.]

PART A. LIABILITY COVERAGE FOR SUDDEN AND NONSUDDEN OCCURRENCES

[Fill in Alternative I if the first criteria of LAC 33:V.3707.F.1 or 4411.F.1 are used. Fill in Alternative II if the second criteria of LAC 33:V.3707.F.1 or 4411.F.1 or 4411.F.1 are used.]

ALTERNATIVE I

* * *

[See Prior Text in 1 – 11]

ALTERNATIVE II

* * *

[See Prior Text in 1 – 10]

[Fill in Part B if you are using the financial test to demonstrate assurance of both liability coverage and closure or post-closure care.]

PART B. CLOSURE OR POST-CLOSURE CARE AND LIABILITY COVERAGE

[Fill in Alternative I if the first criteria of LAC 33:V.3707.F.1, 3711.F.1, and 3715.F.1 or if the first criteria of LAC 33:V.4403.E.1 or 4407.E.1 and 4411.F.1 are used. Fill in Alternative II if the second criteria of LAC 33:V.3707.F.1, 3711.F.1, and 3715.F.1 or if the second criteria of LAC 33:4403.E.1 or 4407.E.1 and 4411.F.1 are used.]

ALTERNATIVE I

* * *

[See Prior Text in 1 – 19]

ALTERNATIVE II

* * *

[See Prior Text in 1 – 12]

I hereby certify that the wording of this letter is identical to the wording specified in LAC 33:V.3719.G as such regulations were constituted on the date shown immediately below.

[Signature]

[Name]

[Title]

[Date]

* * *

[See Prior Text in H – J. Hazardous Waste Facility Certificate of Liability Insurance]

K. Letter of Credit. A letter of credit, as specified in LAC 33:V.3715 or 4411, must be worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted.

IRREVOCABLE STANDBY LETTER OF CREDIT

Secretary

Louisiana Department of Environmental Quality

P.O. Box 8226331

Baton Rouge, Louisiana 70884-226331

Dear Sir or Madam:

We hereby establish our Irrevocable Standby Letter of Credit Number _____ in the favor of ["any and all third-party liability claimants" or insert name of trustee of the standby trust fund], at the request and for the account of [owner or operator's name and address] for third-party liability awards or settlements up to [in words] U.S. dollars \$_____ per occurrence and the annual aggregate amount of [in words] U.S. dollars, for sudden accidental occurrences and/or for third-party liability awards or settlements up to the amount of [in words] U.S. dollars \$_____ per occurrence, and the annual aggregate amount of [in words] U.S. dollars \$_____ for nonsudden accidental occurrences available upon presentation of a sight draft bearing reference to this Letter of Credit Number _____, and [insert the following language if the letter of credit is being used without a standby trust fund:]

* * *

[See Prior Text in 1 – 2]

This Letter of Credit is effective as of [date] and shall expire on [date at least one year later], but such expiration date shall be automatically extended for a period of [at least one year] on [date] and on each successive expiration date, unless, at least 120 days before the current expiration date, we notify you, the administrative authority, and [owner's or operator's name] by certified mail that we have decided not to extend this letter of credit beyond the current expiration date.

Whenever this Letter of Credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us.

[Insert the following language if a standby trust fund is not being used: "In the event that this letter of credit is used in combination with another mechanism for liability coverage, this letter of credit shall be considered [insert "primary" or "excess" coverage]."]

We certify that the wording of this letter of credit is identical to the wording specified in LAC 33:V.3719.K as such regulations were constituted on the date shown immediately below.

[Signature(s) and title(s) of official(s) of issuing institution [Date]]

This credit is subject to [insert "the most recent edition of the Uniform Customs and Practice for Documentary Credits published and copyrighted by the International Chamber of Commerce" or "the Uniform Commercial Code"].

* * *

[See Prior Text in L – N.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 11:686 (July 1985), LR 13:433 (August 1987), LR 13:651 (November 1987), LR 16:47 (January 1990), LR 18:723 (July 1992), LR 21:266 (March 1995), LR 22:835 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1514 (November 1997), repromulgated LR 23:1684 (December 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:** (November 2000).

Title 33**ENVIRONMENTAL QUALITY****Part V. Hazardous Waste and Hazardous Materials****Subpart 1. Department of Environmental Quality—Hazardous Waste****Chapter 38. Universal Wastes****Subchapter B. Standards for Small Quantity Handlers of Universal Waste****§3831. Off-Site Shipments**

* * *

[See Prior Text in A - F.2]

G. If a small quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division of the illegal shipment, and provide the name, address, and phone number of the originating shipper. The administrative authority will provide instructions for managing the hazardous waste.

* * *

[See Prior Text in H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:573 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter C. Standards for Large Quantity Handlers of Universal Waste**§3841. Notification**

A. Except as provided in Subsection A.1 and 2 of this Section, a large quantity handler of universal waste must have sent written notification of universal waste management to the ~~administrative authority~~ Office of Environmental Services, Permits Division, and received an EPA Identification Number, before meeting or exceeding the 5,000 kilogram storage limit.

* * *

[See Prior Text in A.1 - B.5]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:574 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1761 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3853. Off-Site Shipments

* * *

[See Prior Text in A - F.2]

G. If a large quantity handler of universal waste receives a shipment containing hazardous waste that is not a universal waste, the handler must immediately notify the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division of the illegal shipment, and provide the

name, address, and phone number of the originating shipper. The administrative authority will provide instructions for managing the hazardous waste.

* * *

[See Prior Text in H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:576 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter E. Standards for Destination Facilities

§3875. Off-Site Shipments

* * *

[See Prior Text in A - B.2]

C. If the owner or operator of a destination facility receives a shipment containing hazardous waste that was shipped as a universal waste, the owner or operator of the destination facility must immediately notify the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division of the illegal shipment, and provide the name, address, and phone number of the shipper. The administrative authority will provide instructions for managing the hazardous waste.

* * *

[See Prior Text in D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 23:578 (May 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 39. Small Quantity Generators

§3903. Quantitative Limit

A generator is a small quantity generator if he generates less than an average of 100 kilograms of hazardous waste per calendar month except as specified in LAC 33:V.3911. If the quantitative limit set forth in this Section is exceeded, the generator must renotify the ~~administrative authority~~ Office of Environmental Services, Permits Division of his change in status and remain in that category for the next calendar year. At no time shall a small quantity generator generate over 1000 kilograms in a calendar month.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:237 (April 1987), repromulgated LR 18:1256 (November 1992), amended LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3907. Recycle

A. The generator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division of his on-site reuse/recycle activities in accordance with LAC 33:V.4103.

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 11:1139 (December 1985), LR 20:1000 (September 1994), LR 20:1109 (October 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§3915. Requirements

The small quantity generator must:

* * *

[See Prior Text in A - C.4.b]

5. the owner or operator shall be required to submit to the Office of Environmental Services, Environmental Assistance Division an annual report for all hazardous waste shipped off-site. The annual report is due by March 1 of each calendar year covering the period of January 1 to December 31 of the previous year. The report will include the generator ID, the type of waste, the amount of waste, and the disposition of the waste;

* * *

[See Prior Text in C.6 - C.7.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:237 (April 1987), LR 16:220 (March 1990), repromulgated LR 18:1256 (November 1992), amended LR 20:1000 (September 1994), LR 20:1109 (October 1994), LR 23:579 (May 1997), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1497 (August 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 40. Used Oil

Subchapter D. Standards for Used Oil Transporter and Transfer Facilities

§4029. Notification

* * *

[See Prior Text in A]

B. Mechanics of Notification. A used oil transporter who has not received an EPA identification number may obtain one by notifying the ~~administrative authority~~ Office of Environmental Services, Permits Division of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1).

C. Upon promulgation of this Chapter, used oil transporters and transfer facilities who have previously notified must renotify the ~~administrative authority~~ Office of Environmental Services, Permits Division of used oil activity.

D. Used oil transporters and transfer facilities must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division within seven business days if any of the information submitted in the application for the identification number changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), LR 21:267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter E. Standards for Used Oil Processors and Re-Refiners

§4043. Notification

* * *

[See Prior Text in A]

B. Mechanics of Notification. A used oil processor or re-refiner who has not received an EPA identification number may obtain one by notifying the ~~administrative authority~~ Office of Environmental Services, Permits Division of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1).

C. Upon promulgation of this Chapter, used oil processors and re-refiners who have previously notified must renotify the ~~administrative authority~~ Office of Environmental Services, Permits Division of used oil activity.

D. Used oil processors and re-refiners must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division within seven business days if any of the information submitted in the application for the identification number changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), LR 21:267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4045. General Facility Standards

* * *

[See Prior Text in A - B.6.h.ii]

iii. the owner or operator must notify the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division and appropriate local authorities that the facility is in compliance with LAC 33:V.4045.B.h.i and ii before operations are resumed in the affected area(s) of the facility.

i. The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report about the incident to the ~~administrative authority~~ Office of Environmental Compliance, Surveillance Division. The report must include:

* * *

[See Prior Text in B.6.i.i - vii]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter F. Standards for Used Oil Burners Which Burn Off-specification Used Oil for Energy Recovery

§4065. Notification

* * *

[See Prior Text in A]

B. Mechanics of Notification. A used oil burner who has not received an EPA identification number may obtain one by notifying the ~~administrative authority~~ Office of Environmental Services, Permits Division of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1).

C. Upon promulgation of this Chapter, used oil burners which burn off-specification used oil for energy recovery and have previously notified must renotify the ~~administrative authority~~ Office of Environmental Services, Permits Division of this used oil activity.

D. A used oil burner must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division within seven business days if any of the information submitted in the application for the identification number changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), LR 21:267 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter G. Standards for Used Oil Fuel Marketers**§4083. Notification**

* * *

[See Prior Text in A]

B. A marketer who has not received an EPA identification number may obtain one by notifying the ~~administrative authority~~ Office of Environmental Services, Permits Division of their used oil activity by submitting a completed Louisiana Notification of Hazardous Waste Activity Form (HW-1) EPA Form 8700-12.

C. Upon promulgation of this Chapter, used oil fuel marketers who have previously notified must renotify the ~~administrative authority~~ Office of Environmental Services, Permits Division of used oil activity.

D. A generator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division within seven days if any of the information submitted in the application for the identification number changes.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 41. Recyclable Materials

§4101. Applicability

* * *

[See Prior Text in A - C]

D. Upon transport of a recyclable material from the generation site and out of the direct control of the generator, the owner of the recyclable material shall notify the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by e-mail at-surveillance@deq.state.la.us utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance within 24 hours of any determination that the material shall not be used, reused, or recycled. Following such a determination the recyclable material is no longer considered a recyclable material and is fully subject to all requirements of these regulations.

* * *

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4107. Spills

* * *

[See Prior Text in A - B]

C. Owners of the spilled material are considered to be generators for the purposes of these regulations. In an emergency situation, all reporting and manifest requirements of these rules and regulations for generators may be suspended. However, the owners of the material must submit a full report on the spill, including location of spill, type of material spilled, cause of spill, amount of spilled material, damages incurred, and how the spilled material was cleaned up, transported, and disposed of. This report shall be forwarded to the ~~department~~ Office of Environmental Compliance, Surveillance Division no later than 20 days following the spill.

D. Whenever a spill of recyclable material occurs that requires immediate removal to protect human health or the environment, the transporter shall immediately notify the ~~department~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by e-mail at-surveillance@deq.state.la.us utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance as required by the "Notification Regulations and Procedures for Unauthorized Discharges and Spills." (See LAC 33:I.Chapter 39.)

* * *

[See Prior Text in E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter B. Special Requirements for Group II Recyclable Materials

§4123. Manifest Document Flow

* * *

[See Prior Text in A - C]

D. If a recycle facility refuses to accept a recyclable material for use, the facility operator must notify the ~~department~~ Office of Environmental Services, Environmental Assistance Division immediately and provide the following information:

* * *

[See Prior Text in D.1 - G]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), LR 17:366 (April 1991), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4127. Procedures Governing the Transporter's Portion of the Manifest System

* * *

[See Prior Text in A - B]

C. If the facility rejects a shipment of recyclable material, the transporter shall return it to the generator, notify the ~~department~~ Office of Environmental Services, Environmental Assistance Division of the action immediately, and give reasons to his best understanding why the material was rejected.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4129. Procedures Governing the Portion of the Manifest System for the Recycle Facility

* * *

[See Prior Text in A - B]

C. If the operator of the facility rejects any recyclable material he is to notify the ~~department~~ Office of Environmental Services, Environmental Assistance Division immediately and give reasons for the rejection.

* * *

[See Prior Text in D]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 11:988 (October 1985), amended LR 11:1139 (December 1985), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 43. Interim Status

§4301. Purpose and Applicability

A. The purpose of interim status is to allow existing facilities to operate in an appropriate and responsible manner during the period of time required to process and review permit application or until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled. Interim status facilities must, when required by the administrative authority, submit to the Office of Environmental Services, Permits Division a permit application in compliance with the requirements of these regulations. Failure to submit an application is a violation of interim status and will result in revocation of a facility's interim status designation. Once revoked the facility will be treated as an unpermitted facility and appropriate legal action will be taken.

* * *

[See Prior Text in B - I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:84 (February 1987), LR 16:220 (March 1990), LR 17:362 (April 1991), LR 18:1256 (November 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), amended by the Office of Waste Services, Hazardous Waste Division, LR 24:1743 (September 1998), LR 25:482 (March 1999), LR 25:1466 (August 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter A. General Facility Standards

§4320. Construction Quality Assurance Program

* * *

[See Prior Text in A - C.2]

D. Certification. The owner or operator of units subject to LAC 33:V.4320 must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division by certified mail or hand delivery, at least 30 days prior to receiving waste, a certification signed by the CQA officer that the CQA plan has been successfully carried out and that the unit meets the requirements of LAC 33:V.4462.A, 4476, or 4512.A. The owner or operator may receive waste in the unit after 30 days from the administrative authority's receipt of the CQA certification unless the administrative authority determines in writing that the construction is not acceptable, or extends the review period for a maximum of 30 more days, or seeks additional information from the owner or operator during this period. Documentation supporting the CQA officer's certification must be furnished to the administrative authority upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter E. Groundwater Monitoring

§4367. Applicability

Facilities that have interim status must comply with this Subchapter in lieu of LAC 33:V.Chapter 33.

* * *

[See Prior Text in A - C]

1. submit to the ~~administrative authority~~ Office of Environmental Assessment, Remediation Services Division a specific plan, certified by a qualified geologist or geotechnical engineer, which satisfies the requirements of LAC 33:V.4373.G, for an alternate groundwater monitoring system;

* * *

[See Prior Text in C.2 - E.2]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:484 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4373. Preparation, Evaluation, and Response

* * *

[See Prior Text in A - E]

F. Within 15 days after the notification under LAC 33:V.4373.E, the owner or operator must develop and submit to the ~~administrative authority~~ Office of Environmental Assessment, Remediation Services Division a specific plan, based on the outline required under LAC 33:V.4373.A and certified by a qualified geologist or geotechnical engineer, for a groundwater quality assessment program at the facility.

* * *

[See Prior Text in G - H.2]

I. The owner or operator must make his first determination under LAC 33:V.4373.H as soon as technically feasible, and, within 15 days after that determination, submit to the ~~administrative authority~~ Office of Environmental Assessment, Remediation Services Division a written report containing an assessment of the groundwater quality.

J. If the owner or operator determines, based on the results of the first determination under LAC 33:V.4373.H, that no hazardous waste or hazardous waste constituents from the facility have entered the groundwater, then he may reinstate the indicator evaluation program described in LAC 33:V.4371 and 4373.B. If the owner or operator reinstates the indicator evaluation program, he must notify the ~~administrative authority~~ Office of Environmental Assessment, Remediation Services Division in the report submitted under LAC 33:V.4373.I.

* * *

[See Prior Text in K - K.1]

2. within 30 days or other schedule required by the administrative authority, after the establishment of the groundwater protection standard, the owner or operator shall submit to the Office of Environmental Assessment, Remediation Services Division a corrective action and monitoring plan;

* * *

[See Prior Text in K.3 - M]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 14:791 (November 1988), LR 18:723 (July 1992), amended by the Office of the Secretary, LR 24:2248 (December 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4375. Recordkeeping and Reporting

* * *

[See Prior Text in A - A.1]

2. report the following groundwater monitoring information to the ~~administrative authority~~ Office of Environmental Assessment, Remediation Services Division:

* * *

[See Prior Text in A.2.a - B.1]

2. annually, until final closure of the facility, submit to the ~~administrative authority~~ Office of Environmental Assessment, Remediation Services Division a report containing the results of his or her groundwater quality assessment program which includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the groundwater during the reporting period. This information must be submitted no later than March 1 following each calendar year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1520 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter F. Closure and Post-Closure

§4381. Closure Plan; Amendment of Plan

* * *

[See Prior Text in A - B.8]

C. Amendment of Plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan must submit a written request to the ~~administrative authority~~ Office of Environmental

Services, Permits Division to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the administrative authority.

* * *

[See Prior Text in C.1 - 2]

3. An owner or operator with an approved closure plan must submit the modified plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the partial or final closure period, the owner or operator must submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owner or operator of surface impoundments and waste piles who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with LAC 33:V.4501. If the amendment to the plan is a Class 2 or 3 modification according to the criteria in LAC 33:V.321.C and 322, the modification to the plan will be approved according to the procedures in LAC 33:V.4381.D.4.

4. The administrative authority may request modifications to the plan under the conditions described in LAC 33:V.4381.C.1. An owner or operator with an approved closure plan must submit the modified plan within 60 days of the request from the ~~administrative authority~~ Office of Environmental Services, Permits Division, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in LAC 33:V.321.C and 322, the modification to the plan will be approved in accordance with the procedures in LAC 33:V.4381.D.4.

* * *

[See Prior Text in D]

1. The owner or operator must submit the closure plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division at least 180 days prior to the date on which he expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier. The owner or operator must submit the closure plan to the administrative authority at least 45 days prior to the date on which he expects to begin partial or final closure of a boiler or industrial furnace. The owner or operator must submit the closure plan to the administrative authority at least 45 days prior to the date on which he expects to begin final closure of a facility with only tanks, container storage, or incinerator units. Owners or operators with approved closure plans must notify the administrative authority in writing at least 60 days prior to the date on which he expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit. Owners or operators with approved closure plans must notify the administrative authority in writing at least 45 days prior to the date on which they expect to begin partial or final closure of a boiler or industrial furnace. Owners or operators with approved closure plans must notify the administrative authority in writing at least 45 days prior to the date on which they expect to begin final closure of a facility with only tanks, container storage, or incinerator units.

* * *

[See Prior Text in D.2 - 2.b]

3. The owner or operator must submit his closure plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division no later than 15 days after:

* * *

[See Prior Text in D.3.a - E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 16:614 (July 1990), LR 17:362 (April 1991), LR 17:478 (May 1991), LR 18:723 (July 1992), LR 18:1375 (December 1992), LR 21:266 (March 1995), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:485 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4383. Closure; Time Allowed for Closure

* * *

[See Prior Text in A - E.4.c]

5. During the period of corrective action, the owner or operator shall provide semiannual reports to the ~~administrative authority~~ Office of Environmental Assessment, Remediation Services Division that describe the progress of the corrective action program, compile all groundwater monitoring data, and evaluate the effect of the continued receipt of non-hazardous wastes on the effectiveness of the corrective action.

* * *

[See Prior Text in E.6 - 7.e]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 14:791 (November 1988), LR 17:478 (May 1991), LR 18:1375 (December 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4387. Certification of Closure

A. Within 60 days of completion of closure of each hazardous waste surface impoundment, waste pile, land treatment, and landfill unit, and within 60 days of completion of final closure, the owner or operator must submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division, by registered mail, a certification that the hazardous waste management unit or facility, as applicable, has been closed in accordance with the specifications in the approved closure plan. The certification must be signed by the owner or operator and by an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V.4403.H.

B. Survey Plat. No later than the submission of the certification of closure of each hazardous waste disposal unit, an owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the ~~administrative authority~~ Office of Environmental Services, Permits Division, a survey plat indicating the location and dimensions of landfill cells or other hazardous waste disposal units with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority, or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the hazardous waste disposal unit in accordance with the applicable LAC 33:V.Chapters 35 or 43 regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4391. Post-Closure Plan; Amendment of Plan

A. Written Plan. By May 19, 1988, the owner or operator of a hazardous waste disposal unit must have a written post-closure plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous wastes at closure must prepare a post-closure plan and submit it to the ~~administrative authority~~ Office of Environmental Services, Permits Division within 90 days of the date that the owner or operator or administrative authority determines that the hazardous waste management unit or facility must be closed as a landfill, subject to the requirements of LAC 33:V.4389-4395.

* * *

[See Prior Text in B - C.5]

D. Amendment of Plan. The owner or operator may amend the post-closure plan any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure plan must submit a written request to the ~~administrative authority~~ Office of Environmental Services, Permits Division to authorize a change to the approved plan. The written request must include a copy of the amended post-closure plan for approval by the administrative authority.

* * *

[See Prior Text in D.1 - 2]

3. An owner or operator with an approved post-closure plan must submit the modified plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the post-closure plan. If an owner or operator of a surface impoundment or a waste pile who intended to remove all hazardous wastes at closure in accordance with LAC 33:V.4457.B or LAC 33:V.4475.A, is required to close as a landfill in accordance with LAC 33:V.4501, the owner or operator must submit a post-closure plan within 90 days of the determination by the owner or operator or administrative authority that the unit must be closed as a landfill. If the amendment to the post-closure plan is a Class 2 or 3 modification according to the criteria in LAC 33:V.321.C and 322, the modification to the plan will be approved according to the procedures in LAC 33:V.4391.F.

4. The administrative authority may request modifications to the plan under the conditions described in LAC 33:V.4391.D.1. An owner or operator with an approved post-closure plan must submit the modified plan no later than 60 days after the request from the administrative authority. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in LAC 33:V.321.C and 322, the modifications to the post-closure plan will be approved in accordance with the procedures in LAC 33:V.4391.F. If the administrative authority determines that an owner or operator of a surface impoundment or waste pile who intended to remove all hazardous wastes at closure must close the facility as a landfill, the owner or operator must submit a post-closure plan for approval to the ~~administrative authority~~ Office of Environmental Services, Permits Division within 90 days of the determination.

E. The owner or operator of a facility with hazardous waste management units subject to these requirements must submit his post-closure plan to the administrative authority at least 180 days before the date he expects to begin partial or final closure of the first hazardous waste disposal unit. The date he "expects to begin closure" of the first hazardous waste disposal unit must be either within 30 days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste, or if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. The owner or operator must submit the post-closure plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division no later than 15 days after:

* * *

[See Prior Text in E.1 - G.2.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:614 (July 1990), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 25:485 (March 1999), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4393. Post-Closure Notices

A. No later than 60 days after certification of closure of each hazardous waste disposal unit, the owner or operator must submit to the local zoning authority, or the authority with jurisdiction over local land use, and to the ~~administrative authority~~ Office of Environmental Services, Permits Division, a record of the type, location, and quantity of hazardous wastes disposed of within each cell or other disposal unit of the facility. For hazardous wastes disposed of before January 12, 1981, the owner or operator must identify the type, location and quantity of the hazardous wastes to the best of his knowledge and in accordance with any records he has kept.

* * *

[See Prior Text in B - B.1.b]

c. the survey plat and record of the type, location, and quantity of hazardous wastes disposed of within each cell or other hazardous waste disposal unit of the facility required by LAC 33:V.4387 and LAC 33:V.4393.A have been filed with the local zoning authority or the authority with jurisdiction over local land use and with the ~~administrative authority~~ Office of Environmental Services, Permits Division; and

* * *

[See Prior Text in B.2 - C.b]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4395. Certification of Completion of Post-Closure Care

No later than 60 days after completion of the established post-closure care period for each hazardous waste disposal unit, the owner or operator must submit to the ~~administrative authority~~

Office of Environmental Services, Permits Division, by registered mail, a certification that the post-closure care period for the hazardous waste disposal unit was performed in accordance with the specifications in the approved post-closure plan. The certification must be signed by the owner or operator and an independent registered professional engineer. Documentation supporting the independent registered professional engineer's certification must be furnished to the administrative authority upon request until he releases the owner or operator from the financial assurance requirements for post-closure care under LAC 33:V.4407.H.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter G. Financial Requirements

§4403. Financial Assurance for Closure

By the effective date of these regulations an owner or operator of each facility must establish financial assurance for closure of the facility. He must choose from the options as specified in LAC 33:V.4403.A-E.

* * *

[See Prior Text in A]

1. An owner or operator may satisfy the requirements of LAC 33:V.4403 by establishing a closure trust fund which conforms to the requirements of this Paragraph, and submitting an originally signed duplicate of the trust agreement to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

* * *

[See Prior Text in A.2 - 6]

7. If the value of the trust fund is greater than the total amount of the current closure cost estimate, the owner or operator may submit a written request to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division for release of the amount in excess of the current closure cost estimate.

8. If an owner or operator substitutes other financial assurance as specified in LAC 33:V.4403 for all or part of the trust fund, he may submit a written request to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division for release of the amount in excess of the current closure cost estimate covered by the trust fund.

* * *

[See Prior Text in A.9]

10. After beginning partial or final closure, an owner or operator or another person authorized to conduct partial or final closure may request reimbursements for partial or final closure expenditures by submitting itemized bills to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. The owner or operator may request reimbursement for partial closure only if sufficient funds are remaining in the trust fund to cover the maximum costs of closing

the facility over its remaining operating life. No later than 60 days after receiving bills for partial or final closure activities, the administrative authority will instruct the trustees to make reimbursements in those amounts as the administrative authority specifies in writing, if the administrative authority determines that the partial or final closure expenditures are in accordance with the approved closure plan, or otherwise justified. If the administrative authority has reason to believe that the maximum cost of closure over the remaining life of the facility will be significantly greater than the value of the trust fund, he may withhold reimbursements of such amounts as he deems prudent until he determines, in accordance with LAC 33:V.4407.H that the owner or operator is no longer required to maintain financial assurance for final closure of the facility. If the administrative authority does not instruct the trustee to make such reimbursements, he will provide to the owner or operator a detailed written statement of reasons.

* * *

[See Prior Text in A.11 - B]

1. An owner or operator may satisfy the requirements of LAC 33:V.4403 by obtaining a surety bond which conforms to the requirements of this Paragraph and submitting the bond to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on Federal bonds in Circular 570 of the U.S. Department of the Treasury.

* * *

[See Prior Text in B.2 - 6]

7. Whenever the current closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in LAC 33:V.4403 to cover the increase. Whenever the current closure cost estimate decreases, the penal sum may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

8. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator and to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.

* * *

[See Prior Text in B.9 - C]

1. An owner or operator may satisfy the requirements of LAC 33:V.4403 by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Paragraph and submitting the letter to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

* * *

[See Prior Text in C.2 - 6]

7. Whenever the current closure cost estimate increases to an amount greater than the amount of the credit, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in LAC 33:V.4403 to cover the increase. Whenever the current closure cost estimate decreases, the amount of the credit may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in C.8]

9. If the owner or operator does not establish alternate financial assurance as specified in LAC 33:V.4403, and obtain written approval of such alternate assurance from the administrative authority within 90 days after receipt by both the owner or operator and the ~~administrative authority~~ Office of Management and Finance, Financial Services Division of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the administrative authority may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the administrative authority will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in LAC 33:V.4403 and obtain written approval of such assurance from the administrative authority.

* * *

[See Prior Text in C.10 - D]

1. An owner or operator may satisfy the requirements of LAC 33:V.4403 by obtaining closure insurance which conforms to the requirements of this Paragraph and submitting a certificate of such insurance to the administrative authority. By the effective date of these regulations the owner or operator must submit to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division a letter from an insurer stating that the insurer is considering issuance of closure insurance conforming to the requirements of this Paragraph to the owner or operator. Within 90 days after the effective date of these regulations, the owner or operator must submit the certificate of insurance to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division or establish other financial assurance as specified in this Section. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer, in one or more states, and authorized to transact business in Louisiana.

* * *

[See Prior Text in D.2 - 5]

6. The owner or operator must maintain the policy in full force and effect until the administrative authority consents to termination of the policy by the owner or operator as specified in LAC 33:V.4403.D.10. Failure to pay the premium, without substitution of alternate financial assurance as specified in LAC 33:V.4403, will constitute a significant violation of these regulations, warranting such remedy as the administrative authority deems necessary. Such violation will be deemed to begin upon receipt by the ~~administrative authority~~ Office of Management and Finance, Financial Services Division of a notice of future cancellation, termination, or failure to renew, due to nonpayment of the premium, rather than upon the date of expiration.

* * *

[See Prior Text in D.7]

8. The policy must provide that the insurer may not cancel, terminate or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the administrative authority and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

* * *

[See Prior Text in D.8.a - e]

9. Whenever the current closure cost estimate increases to an amount greater than the face amount of the policy, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in LAC 33:V.4403 to cover the increase. Whenever the current closure cost estimate decreases, the face amount may be reduced to the amount of the current closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in D.10 - E.2]

3. To demonstrate that he meets this test, the owner or operator must submit the following items to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division:

* * *

[See Prior Text in E.3.a - 4.f]

5. After the initial submission of items specified in LAC 33:V.4403.E.3, the owner or operator must send updated information to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in LAC 33:V.4403.E.3.

6. If the owner or operator no longer meets the requirements of LAC 33:V.4403.E.1, he must send notice to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division of intent to establish alternate financial assurance as specified in LAC 33:V.4403. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

* * *

[See Prior Text in E.7 - F]

G. Use of a Financial Mechanism for Multiple Facilities. An owner or operator may use a financial assurance mechanism specified in LAC 33:V.4403 to meet the requirements of LAC 33:V.4403 for more than one facility. Evidence of financial assurance submitted to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division must include a list showing, for each facility, the EPA identification number, name, address, and the amount of funds for closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing the funds available through the mechanism for closure of any of the facilities covered by the mechanism, the administrative authority may direct only the amount of funds designated for that particular facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

* * *

[See Prior Text in H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 14:791 (November 1988), LR 16:219 (March 1990), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1520 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4407. Financial Assurance for Post-Closure Care

An owner or operator of each hazardous waste disposal unit must establish financial assurance for post-closure care of the facility. He must choose from the options as specified in Subsections A-E of this Section.

* * *

[See Prior Text in A]

1. An owner or operator may satisfy the requirements of LAC 33:V.4407.A by establishing a post-closure trust fund which conforms to the requirements of this Paragraph and submitting an originally signed duplicate of the trust agreement to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. The trustee must be an entity which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

* * *

[See Prior Text in A.2 - 6]

7. During the operating life of the facility, if the value of the trust fund is greater than the total amount of the current post-closure cost estimate, the owner or operator may submit a written request to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division for release of the amount in excess of the current post-closure cost estimate.

8. If an owner or operator substitutes other financial assurance as specified in LAC 33:V.4407 for all or part of the trust fund, he may submit a written request to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division for release of the amount in excess of the current post-closure cost estimate covered by the trust fund.

* * *

[See Prior Text in A.9 - 10]

11. An owner or operator, or any other person authorized to perform post-closure care, may request reimbursement for the post-closure expenditures by submitting itemized bills to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Within 60 days after receiving bills for post-closure activities, the administrative authority will instruct the trustee to make reimbursements in those amounts as the administrative authority specifies in writing, if the administrative authority determines that the post-closure expenditures are in accordance with the approved post-closure plan or otherwise justified. If the administrative authority does not instruct the trustee to make such reimbursements, he will provide the owner or operator with a detailed statement of reasons.

* * *

[See Prior Text in A.12 - B]

1. An owner or operator may satisfy the requirements of LAC 33:V.4407.B by obtaining a surety bond which conforms to the requirements of this Paragraph and submitting the bond to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the U.S. Department of the Treasury.

* * *

[See Prior Text in B.2 - 6]

7. Whenever the current post-closure cost estimate increases to an amount greater than the penal sum, the owner or operator, within 60 days after the increase, must either cause the penal sum to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in LAC 33:V.4407.B to cover the increase. Whenever the current post-closure cost estimate decreases, the penal sum may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

8. Under the terms of the bond, the surety may cancel the bond by sending notice of cancellation by certified mail to the owner or operator, and to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts.

* * *

[See Prior Text in B.9 - C]

1. An owner or operator may satisfy the requirements of LAC 33:V.4407.C by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Paragraph and by submitting the letter to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. The issuing institution must be an entity which has the authority to issue letters of credit and whose letter-of-credit operations are regulated and examined by a federal or state agency.

* * *

[See Prior Text in C.2 - 4]

5. The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year unless, at least 120 days before the current expiration date, the issuing institution notifies both the owner or operator, and the ~~administrative authority~~ Office of Management and Finance, Financial Services Division by certified mail of a decision not to extend the expiration date. Under the terms of the letter of credit, the 120 days will begin on the date when both the owner or operator, and the administrative authority have received the notice, as evidenced by the return receipts.

* * *

[See Prior Text in C.6]

7. Whenever the current post-closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the amount of the credit to be increased so that it at least equals the current post-closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in LAC 33:V.4407 to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the amount of the credit may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in C.8 - C.9]

10. If the owner or operator does not establish alternate financial assurance as specified in LAC 33:V.4407 and obtain written approval of such alternate assurance from the administrative authority within 90 days after receipt by both the owner or operator and the ~~administrative authority~~ Office of Management and Finance, Financial Services Division of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the current expiration date, the administrative authority will draw on the letter of credit. The administrative authority may delay the drawing if the issuing institution grants an extension of the term of the credit. During the last 30 days of any such extension the administrative authority will draw on the letter of credit if the owner or operator has failed to provide alternate financial assurance as specified in LAC 33:V.4407 and obtain written approval of such assurance from the administrative authority.

* * *

[See Prior Text in C.11 - D]

1. An owner or operator may satisfy the requirements of LAC 33:V.4407.D by obtaining post-closure insurance which conforms to the requirements of this Paragraph and submitting a certificate of such insurance to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. The owner or operator must submit to the administrative authority a letter from an insurer stating that the insurer is considering issuance of post-closure insurance conforming to the requirements of this Paragraph to the owner or operator. Within 90 days after the effective date of these regulations, the owner or operator must submit the certificate of insurance to the administrative authority or establish other financial assurance as specified in LAC 33:V.4407. At a minimum, the insurer must be licensed to transact the business of insurance, or be eligible to provide insurance as an excess or surplus lines insurer in one or more states, and authorized to transact insurance business in Louisiana.

* * *

[See Prior Text in D.2 - 4]

5. An owner or operator or any other person authorized to perform post-closure care may request reimbursement for post-closure expenditures by submitting itemized bills to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Within 60 days after receiving bills for post-closure activities, the administrative authority will instruct the insurer to make reimbursements in those amounts as the administrative authority specifies in writing, if the administrative authority determines that the post-closure expenditures are in accordance with the approved post-closure plan or otherwise justified. If the administrative authority does not instruct the insurer to make such reimbursements, he will provide a detailed written statement of reasons.

* * *

[See Prior Text in D.6 - 7]

8. The policy must provide that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate, or fail to renew the policy by sending notice by certified mail to the owner or operator and the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation, termination, or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the administrative authority and the owner or operator, as evidenced by the return receipts. Cancellation, termination, or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration:

* * *

[See Prior Text in D.8.a - e]

9. Whenever the current post-closure cost estimate increases to an amount greater than the face amount of the policy during the operating life of the facility, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current post-closure cost estimate and submit evidence of such increase to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division, or obtain other financial assurance as specified in LAC 33:V.4407 to cover the increase. Whenever the current post-closure cost estimate decreases during the operating life of the facility, the face amount may be reduced to the amount of the current post-closure cost estimate following written approval by the administrative authority.

* * *

[See Prior Text in D.10 - E.2]

3. To demonstrate that he meets this test, the owner or operator must submit the following items to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division:

* * *

[See Prior Text in E.3.a - c.ii]

4. The owner or operator may obtain an extension of the time allowed for submission of the documents specified in LAC 33:V.4407.E.3 if the fiscal year of the owner or operator ends

during the 90 days prior to the effective date of these regulations and if the year-end financial statements for that fiscal year will be audited by an independent certified public accountant. The extension will end no later than 90 days after the end of the owner's or operator's fiscal year. To obtain the extension, the owner's or operator's chief financial officer must send, by the effective date of these regulations, a letter to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. This letter from the chief financial officer must:

* * *

[See Prior Text in E.4.a - f]

5. After the initial submission of items specified in LAC 33:V.4407.E.3, the owner or operator must send updated information to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in LAC 33:V.4407.E.3.

6. If the owner or operator no longer meets the requirements of LAC 33:V.4407.E.1, he must send notice to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division of intent to establish alternate financial assurance as specified in LAC 33:V.4407. The notice must be sent by certified mail within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the requirements. The owner or operator must provide the alternate financial assurance within 120 days after the end of such fiscal year.

* * *

[See Prior Text in E.7 - 11.a]

b. the corporate guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the administrative authority, as evidenced by the return receipts; and

* * *

[See Prior Text in E.11.c - F]

G. Use of a Financial Mechanism for Multiple Facilities. An owner or operator may use a financial assurance mechanism specified in this Subsection to meet the requirements of this Subsection for more than one facility. Evidence of financial assurance submitted to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division must include a list showing, for each facility, the EPA identification number, name, address, and the amount of funds for post-closure assured by the mechanism. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility. In directing funds available through the mechanism for post-closure care of any of the facilities covered by the mechanism, the administrative authority may direct only the amount of funds designated for that particular facility, unless the owner or operator agrees to the use of additional funds available under the mechanism.

* * *

[See Prior Text in H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 13:433 (August 1987), LR 18:723 (July 1992), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1521 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4411. Liability Requirements

* * *

[See Prior Text in A - A.1]

a. Each insurance policy must be amended by attachment of the hazardous waste facility liability endorsement or evidenced by a certificate of liability insurance. The wording of the endorsement must be identical to the wording specified in LAC 33:V.3719.I. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.J. The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. If requested by the administrative authority, the owner or operator must provide a signed duplicate original of the insurance policy.

* * *

[See Prior Text in A.1.b - 6]

7. An owner or operator shall notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division in writing within 30 days whenever:

* * *

[See Prior Text in A.7.a - B.1]

a. Each insurance policy must be amended by attachment of the hazardous waste facility liability endorsement or evidenced by a certificate of liability insurance. The wording of the endorsement must be identical to the wording specified in LAC 33:V.3719.I. The wording of the certificate of insurance must be identical to the wording specified in LAC 33:V.3719.J. The owner or operator must submit a signed duplicate original of the endorsement or the certificate of insurance to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. If requested by the administrative authority, the owner or operator must provide a signed duplicate original of the insurance policy.

* * *

[See Prior Text in B.1.b - 6]

7. An owner or operator shall notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division in writing within 30 days whenever:

* * *

[See Prior Text in B.7.a - F.2]

3. To demonstrate that he meets this test, the owner or operator must submit the following three items to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in F.3.a - c.ii]

4. The owner or operator may obtain a one-time extension of the time allowed for submission of the documents specified in LAC 33:V.4411.F.3 if the fiscal year of the owner or operator ends during the 90 days prior to the effective date of these regulations and if the year-end financial statements for that fiscal year will be audited by an independent certified public accountant. The extension will end no later than 90 days after the end of the owner's or operator's fiscal year. To obtain the extension, the chief financial officer for the owner or operator must send a letter to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division. This letter from the chief financial officer must:

* * *

[See Prior Text in F.4.a - f]

5. After the initial submission of items specified in LAC 33:V.4411.F.3, the owner or operator must send updated information to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division within 90 days after the close of each succeeding fiscal year. This information must consist of all three items specified in LAC 33:V.4411.F.3.

6. If the owner or operator no longer meets the requirements of LAC 33:V.4411.F.1, he must obtain insurance, a letter of credit, a surety bond, a trust fund, or a guarantee for the entire amount of required liability coverage as specified in LAC 33:V.4411. Evidence of liability coverage must be submitted to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division within 90 days after the end of the fiscal year for which the year-end financial data show that the owner or operator no longer meets the test requirements.

* * *

[See Prior Text in F.7 - H]

1. An owner or operator may satisfy the requirements of this Section by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Subsection and submitting a copy of the letter of credit to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in H.2 - I]

1. An owner or operator may satisfy the requirements of this Section by obtaining a surety bond that conforms to the requirements of this Subsection and submitting a copy of the bond to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in I.2 - J]

1. An owner or operator may satisfy the requirements of this Section by establishing a trust fund that conforms to the requirements of this Subsection and submitting an originally signed duplicate of the trust agreement to the ~~administrative authority~~ Office of Management and Finance, Financial Services Division.

* * *

[See Prior Text in J.2 - K]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 13:433 (August 1987), LR 16:399 (May 1990), LR 18:723 (July 1992), repromulgated LR 19:627 (May 1993), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:1521 (November 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4413. Incapacity of Owners or Operators, Guarantors, or Financial Institutions

A. An owner or operator must notify the ~~administrative authority~~ Office of Management and Finance, Financial Services Division by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding. A guarantor of a corporate guarantee as specified in LAC 33:V.4403.E and 4407.E must make such a notification if he is named as debtor, as required under the terms of the corporate guarantee (see LAC 33:V.3719.H).

* * *

[See Prior Text in B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter I. Tanks

§4437. Containment and Detection of Releases

* * *

[See Prior Text in A - H]

1. The ~~administrative authority~~ Office of Environmental Services, Permits Division must be notified in writing by the owner or operator that he intends to conduct and submit a demonstration for a variance from secondary containment as allowed in LAC 33:V.4437.G according to the following schedule:

* * *

[See Prior Text in H.1.a - b]

2. As part of the notification, the owner or operator must also submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division a description of the steps necessary to conduct the demonstration and a timetable for completing each of the steps. The demonstration must address each of the factors listed in LAC 33:V.4437.G.1 or 2.

3. The demonstration for a variance must be completed and submitted to the ~~administrative authority~~ Office of Environmental Services, Permits Division within 180 days after notifying the administrative authority of intent to conduct the demonstration.

* * *

[See Prior Text in H.4 - I.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR

13:651 (November 1987), LR 14:790 (November 1988), LR 16:614 (July 1990), LR 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter J. Surface Impoundments

§4449. Action Leakage Rate

A. The owner or operator of surface impoundment units subject to LAC 33:V.4462.A must submit a proposed action leakage rate to the ~~administrative authority~~ Office of Environmental Services, Permits Division when submitting the notice required under LAC 33:V.4462.B. Within 60 days of receipt of the notification, the administrative authority will establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this Section, or extend the review period for up to 30 days. If no action is taken by the administrative authority before the original 60- or the extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

* * *

[See Prior Text in B - C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4451. Response Actions

A. The owner or operator of surface impoundment units subject to LAC 33:V.4462.A must submit a response action plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division when submitting the proposed action leakage rate under LAC 33:V.4449. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in LAC 33:V.4451.B.

* * *

[See Prior Text in B - C.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4462. Design Requirements

* * *

[See Prior Text in A]

B. The owner or operator of each unit referred to in LAC 33:V.4462.A must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part II application within six months of the receipt of such notice.

* * *

[See Prior Text in C - H]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 17:368 (April 1991), LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter K. Waste Piles

§4472. Response Actions

A. The owner or operator of waste pile units subject to LAC 33:V.4476 must submit a response action plan to the ~~administrative authority~~ Office of Environmental Services, Permits Division when submitting the proposed action leakage rate under LAC 33:V.4474. The response action plan must set forth the actions to be taken if the action leakage rate has been exceeded. At a minimum, the response action plan must describe the actions specified in LAC 33:V.4472.B.

* * *

[See Prior Text in B - C.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

§4474. Action Leakage Rates

A. The owner or operator of waste pile units subject to LAC 33:V.4476 must submit a proposed action leakage rate to the ~~administrative authority~~ Office of Environmental Services, Permits Division when submitting the notice required under LAC 33:V.4476. Within 60 days of receipt of the notification, the administrative authority will establish an action leakage rate, either as proposed by the owner or operator or modified using the criteria in this Section, or extend the review period for up to 30 days. If no action is taken by the administrative authority before the original 60- or the extended 90-day review periods, the action leakage rate will be approved as proposed by the owner or operator.

* * *

[See Prior Text in B - C]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter L. Land Treatment

§4489. Closure and Post-Closure

* * *

[See Prior Text in A - D.4]

E. For the purpose of complying with LAC 33:V.4387, when closure is completed the owner or operator may submit to the ~~administrative authority~~ Office of Environmental Services, Permits Division certification both by the owner or operator and by an independent qualified soil scientist in lieu of an independent registered professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

* * *

[See Prior Text in F - F.4]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 10:200 (March 1984), amended LR 10:496 (July 1984), LR 18:723 (July 1992), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter M. Landfills

§4512. Design and Operating Requirements

* * *

[See Prior Text in A]

B. The owner or operator of each unit referred to in LAC 33:V.4512.A must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division at least 60 days prior to receiving waste. The owner or operator of each facility submitting notice must file a Part II application within six months of the receipt of such notice.

* * *

[See Prior Text in C - I]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 18:723 (July 1992), LR 20:1000 (September 1994), LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter N. Incinerators

§4522. Interim Status Incinerators Burning Particular Hazardous Wastes

* * *

[See Prior Text in A - B]

1. The owner or operator will submit an application to the ~~administrative authority~~ Office of Environmental Services, Permits Division containing applicable information in LAC 33:V.529 and LAC 33:V.3115 demonstrating that the incinerator can meet the performance standards in LAC 33:V.Chapter 31 when they burn these wastes.

* * *

[See Prior Text in B.2 - 3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR

20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter O. Thermal Treatment

§4534. Interim Status Thermal Treatment Devices Burning Particular Hazardous Waste

* * *

[See Prior Text in A - B]

1. The owner or operator will submit an application to the ~~administrative authority~~ Office of Environmental Services, Permits Division containing the applicable information in LAC 33:V.529 and LAC 33:V.3115 demonstrating that the thermal treatment unit can meet the performance standard in LAC 33:V.Chapter 31 when they burn these wastes.

* * *

[See Prior Text in B.2 - 3]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:220 (March 1990), amended LR 20:1000 (September 1994), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Subchapter T. Containment Buildings

§4703. Design and Operating Standards

* * *

[See Prior Text in A - C.3.a.iii]

iv. within seven days after the discovery of the condition, notify the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division of the condition and, within 14 working days, provide a written notice to the administrative authority with a description of the steps taken to repair the containment building and the schedule for accomplishing the work;

* * *

[See Prior Text in C.3.b]

c. upon completing all repairs and cleanup, the owner or operator must notify the ~~administrative authority~~ Office of Environmental Assessment, Environmental Technology Division in writing and provide a verification, signed by a qualified, registered professional engineer, that the repairs and cleanup have been completed according to the written plan submitted in accordance with LAC 33:V.4703.C.3.a.iv; and

* * *

[See Prior Text in C.4 - E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:266 (March 1995), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY
Part V. Hazardous Waste and Hazardous Materials
Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 49. Lists of Hazardous Wastes

Appendix E. Wastes Excluded Under LAC 33:V.105.M

* * *

[See Prior Text in DuPont Dow Elastomers L.L.C.]

Table E1 - Wastes Excluded	
Facility	Address
Marathon Oil Co.	Garyville, LA
Waste Description	
* * *	
[See Prior Text]	
(5) - Data Submittal:	
<p>Marathon must notify the department in writing at least two weeks prior to initiating condition (1)(A). The data obtained during condition (1)(A) must be submitted to the Assistant Secretary of the Office of Waste Services <u>Office of Environmental Services, Permits Division</u>, within the specified 90 days. Records of operating conditions and analytical data from condition (1) must be compiled, summarized, and maintained on-site for a minimum of five years. These records and data must be furnished upon request by the department and made available for inspection. Failure to submit the required data within the specified time period or failure to maintain the required records on-site for the specified time will be considered by the department, at its discretion, sufficient basis to revoke the exclusion. All data must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted:</p>	
* * *	
[See Prior Text]	

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality LR 20:1000 (September 1994), amended by the Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 21:944 (September 1995), LR 22:830 (September 1996), amended by the Office of Waste Services, Hazardous Waste Division, LR 23:952 (August 1997), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 25:2397 (December 1999), LR 26:***.

Title 33**ENVIRONMENTAL QUALITY****Part V. Hazardous Waste and Hazardous Materials****Subpart 1. Department of Environmental Quality—Hazardous Waste****Chapter 51. Fee Schedules****§5141. Incinerator and Boiler/Industrial Furnace Inspection and Monitoring Fee**

A. Trial Burn or Test Burn Observer Fee. This is a special fee charged at a daily rate to cover the cost to the ~~Hazardous Waste Division~~ department of providing and placing on site a regulatory observer team during incinerator trial burns, boiler/industrial furnace trial burns or other types of test burns required by regulations or the administrative authority when an observer team is required by regulations, specified by permit conditions, or considered necessary to ensure that human health and the environment are adequately protected.

* * *

[See Prior Text in A.1 - B]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2014 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Solid and Hazardous Waste, Hazardous Waste Division, LR 16:1057 (December 1990), amended LR 18:1375 (December 1992), amended by the Office of Management and Finance, Fiscal Services Division, LR 22:18 (January 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.

Title 33
ENVIRONMENTAL QUALITY

Part V. Hazardous Waste and Hazardous Materials

Subpart 1. Department of Environmental Quality—Hazardous Waste

Chapter 53. Military Munitions

§5309. Standards Applicable to the Storage of Solid Waste Military Munitions

* * *

[See Prior Text in A - A.1.c]

d. within 90 days of when a storage unit is first used to store waste military munitions, whichever is later, the owner or operator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in Subsection A.1 of this Section is claimed;

e. the owner or operator must provide oral notice to the ~~administrative authority~~ Office of Environmental Compliance by telephone at (225) 763-3908 during office hours; (225) 342-1234 after hours, weekends, and holidays; or by e-mail at at-surveillance@deq.state.la.us utilizing the Incident Report Form and procedures found at www.deq.state.la.us/surveillance within 24 hours from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of Subsection A.1 of this Section that may endanger health or the environment. In addition, a written submission describing the circumstances shall be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of Subsection A.1 of this Section;

* * *

[See Prior Text in A.1.f - 3]

B. Notice of Termination of Waste Storage. The owner or operator must notify the ~~administrative authority~~ Office of Environmental Services, Permits Division when a storage unit identified in Subsection A.1.d of this Section will no longer be used to store waste military munitions.

* * *

[See Prior Text in C - E]

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2180 et seq.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Waste Services, Hazardous Waste Division, LR 24:1757 (September 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:**.